

# Monroe Circuit Court Rules and Procedures Manual



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# MISSION STATEMENT

The mission of the Monroe Circuit Court is to fairly and promptly resolve justifiable issues in a manner consistent with the mandates, directive and guidelines of the laws of the State of Indiana and of the United States of America.

## ***PRIORITY OF POLICIES***

1. **COMPLIANCE WITH THE LAW.** The primary consideration in the operation of the Court is faithful adherence to the law.
2. **COMPLIANCE WITH THE CODE OF JUDICIAL ETHICS.** The judges of the Court, and its staff and employees acting within the scope of their employment or in an official capacity, will faithfully adhere to the Code of Judicial Ethics.
3. **SERVICE TO THE PUBLIC.** The Court will constantly strive to be accessible, efficient, and considerate to all members of society; to foster a spirit of cooperation and partnership with governmental and public agencies; and to cultivate understanding, respect and confidence for judicial process by informing the public of this mission and operation.
4. **RESPONSIBLE AND PROGRESSIVE MANAGEMENT.** The Court will maximize available resources and aggressively seek new resources and methods to perform its mission and achieve its stated goals with fiscal responsibility.
5. **COURT PERSONNEL.** Personnel will be provided with the resources, and with a positive, equitable, and secure environment within which to fulfill their partnership of responsibility in the mission of the Court.

# ORDER OF ADOPTION

The judges of the Monroe Circuit Court, pursuant to Indiana Code 33-33-53, hereby amend the Rules and Procedures of the Monroe Circuit Court, originally adopted on January 1, 1991, this 31st day of May, 2011.

## MONROE COUNTY BOARD OF JUDGES

E. Michael Hoff, Judge  
Monroe Circuit Court, Division I

Marc R. Kellams, Judge  
Monroe Circuit Court, Division II

Kenneth G. Todd, Judge  
Monroe Circuit Court, Division III

Elizabeth A. Cure  
Monroe Circuit Court, Division IV

MaryEllen Diekhoff Judge  
Monroe Circuit Court, Division V

Frances G. Hill, Judge  
Monroe Circuit Court, Division VI

Stephen R. Galvin, Judge  
Monroe Circuit Court, Division VII

Valeri Haughton, Judge  
Monroe Circuit Court, Division VIII

Teresa D. Harper, Judge  
Monroe Circuit Court, Division IX

# RULES OF ADMINISTRATION

## ***LR53-AR00-0100 EXECUTIVE ORGANIZATION***

- A. Board of Judges. The nine (9) judges of the Monroe Circuit Court shall constitute the Board of Judges.
- B. Presiding Judge and Vice Presiding Judge of Board of Judges. The Board of Judges at the November meeting shall select from amongst them a Presiding Judge whose two-year term shall begin January 1<sup>st</sup> and a Vice Presiding Judge who shall serve a two year term beginning January 1st. Regardless of these provisions for terms of office, the Presiding Judge and the Vice Presiding Judge shall serve at the pleasure of the majority of the Board of Judges. The Presiding Judge shall:
1. Provide general administrative direction and supervision of the operation of the court consistent with the policies, priorities and goals of the Court;
  2. Preside over the Board of Judges meetings and direct the preparation of the agenda and minutes of the meetings;
  3. Provide liaison between the Court, government, and civic agencies;
  4. Submit a proposed annual budget for the court system to the Board of Judges for approval;
  5. Insure efficient operation of the court system and compliance with local rules;
  6. Allocate courtrooms and ancillary space for efficient administration of court business;
  7. Prepare proposed local rules to expedite and facilitate the court business;
  8. Review annually the bail schedule, caseload allocation plan, juror policies and other issues bearing on the operation of the court system and present any proposed changes to the Board of Judges;
  9. Recommend appointments as specified in IC 33-4-10-5(1) and by local ordinance for approval by the Board of Judges;
  10. Develop and implement an orientation program for new judges and magistrates;
  11. Establish and maintain a plan for continuity of operations.
  12. Perform other duties as directed by the Board of Judges, or as set out in these Rules.
- C. Vice Presiding Judge. When the Presiding Judge is unavailable the Vice Presiding Judge, if available, will serve as the acting Presiding Judge. If Vice Presiding Judge is unavailable, the Presiding Judge shall designate one of the other judges as acting Presiding Judge;

- D. Executive Management Team. The Executive Management Team shall consist of the Presiding Judge, the Vice Presiding Judge, Director of Court Services, Chief Probation Officer, Youth Services Bureau Executive Director and designees of the Presiding Judge. The Executive Management Team directed by the Presiding Judge shall be responsible for implementing the policies, priorities and goals of the Board of Judges. Members of the Board of Judges shall be advised of the time and place of meetings and may attend.
- E. Proposed programs, projects, and services utilizing system resources shall be presented to the Executive Management Team and be consistent with the established priorities and goals of the Board of Judges.

### ***LR53-AR00-0101 PROCEDURE FOR LOCAL RULES***

- A. The Presiding Judge shall submit proposed rules to the Monroe County Bar for consideration and recommendation.
- B. After adoption by the Board of Judges the rules shall be published and distributed to:
  - 1. The Board of Judges of the Monroe Circuit Court;
  - 2. The Clerk of the Supreme Court and the Court of Appeals of Indiana;
  - 3. The Indiana State Court Administrator;
  - 4. The Clerk of the Monroe Circuit Court;
  - 5. Members of the Monroe County Bar Association.

### ***LR53-AR00-0102 EXPENDITURES***

The Presiding Judge may approve capital expenditures up to \$1,500 without further consideration by the Board of Judges.

### ***LR53-AR00-0103 MEETINGS***

Updated 01/02/2014

- A. Monthly Meeting. The Board of Judges shall meet at least monthly to make policy decisions, provide education reports, and review operations of the court system. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall be required to attend these meetings and participate in discussions.
- B. February Meeting. In February the Board of Judges, the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend a meeting to discuss:



1. Budget requests for the next annual budget;
  2. Allocation of caseload;
  3. An assessment of the Monroe Circuit Court prepared by the Presiding Judge, identifying the issues and opportunities which the Court will confront during the year and proposing priorities and goals for the year.
- C. September Meeting. In September the Board of Judges and the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend an extended meeting to discuss:
1. The Annual Report;
  2. Performance of the Office of Court Services, the Probation Department, the Youth Services Bureau and Division updates including Specialty Courts;
  3. Decisions: Decisions on all court system issues and these rules but for the selection of the Presiding Judge and Vice Presiding Judge shall be made by a vote of the majority of the Board of Judges then in attendance.

#### ***LR53-AR00-0104 ATTENDANCE AT MEETINGS***

The Presiding Judge shall be responsible for attending meetings of the Monroe County Council and the Monroe County Commissioners.

#### ***LR53-AR00-0105 BOARD OF JUDGES MEETING PROCEDURES***

Updated 01/02/2014

- A. The Board of Judges will follow the Robert's Rules of Order during their meetings.
- B. Issues will be tabled after first discussion and voted upon at the next meeting. This procedure may be suspended by a vote of the Board.
- C. The Presiding Judge and the Court Administrator will determine agenda items. Any member of the Board of Judges can place an item on the agenda. The agenda should be distributed to the members no later than two days prior to the meeting.
- D. Any policies established by external committees of which Judges are members and which may affect or concern court procedures, should be reported to the Board of Judges.
- E. The minutes will reflect an ongoing list of unresolved issues or a method to track projects/issues.
- F. Meetings will be held on the first and third Wednesday of each month and at such other times as the Board may agree.
- G. There will be at least 2 in-service meetings scheduled per year.

### ***LR53-AR00-0106 EMERGENCY CLOSING***

- A. The Presiding Judge, after consultation with the Board of Judges, if practical may determine that the Courts are closed due to a temporary emergency (i.e. snow, breakdown in facility utilities, etc.) Any judge, notwithstanding that authority, may require his or her court reporters to work.
- B. The County Commissioners have the authority to close the Justice Building.

### ***LR53-AR00-0107 CRIMINAL DUTY JUDGE RESPONSIBILITIES***

- A. The Criminal Duty Judge shall review affidavits for probable cause submitted by the duty prosecutor each Saturday evening and submit an order no later than 10:30 PM, by electronic or written means, to the Monroe County Correctional Center, and others on an approved distribution list, finding probable cause and setting bail for those “affected persons” arrested from Thursday night at midnight until Saturday at 2:00PM, and the arrest was made without a warrant. A signed written order shall be issued on Monday morning for each determination. The schedule is adjusted on holiday weekends so that no person is held longer than twenty-four hours without a finding of probable cause.
- B. The Criminal Duty Judge shall be responsible for initial hearings, probable cause determinations, restraining orders, and other judicial issues requiring immediate action.
- C. The Criminal Duty Judge shall request incarcerated felony defendants to appear in court within 24 hours of their arrest, excluding weekends, to inform them of the reason for their hold. Each day the Office of Court Services staff will review the arrest list and inform the Criminal Duty Judge of these defendants.

### ***LR53-AR00-0108 CASELOAD ALLOCATION***

Updated 01/02/2014

- A. Procedure. The Board of Judges shall:
  - 1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.
  - 2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
  - 3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.
  - 4. Review and analyze the statistics on current workload and caseflow within the Monroe Circuit Court.
  - 5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of

personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

- B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment.

The Clerk shall assign cases as from time to time directed by the Board of Judges.

- a. The Clerk shall randomly assign all murder, A, B, C, D felony and misdemeanor cases to Divisions II, III, V, and IX.
- b. Domestic relations cases shall be assigned randomly to Division I, IV, VI and VIII, *unless consolidated with an active protection order case as provided in section c.*
- c. Protective order cases shall be randomly assigned to Division I, IV, VI, and VIII. If however; the parties of the protection order have an active or closed domestic relations (DR) case or an active child in need of services (CHINS) case, the protection order will be assigned to the Division with the DR or CHINS case. Domestic relations cases shall be assigned to the Division with an active protection order case involving the same parties
- d. The Clerk shall randomly assign Civil cases to Division I and to Division VI.
- e. Juvenile delinquencies, juvenile status, juvenile miscellaneous resulting from delinquent acts, juvenile paternity, adoptions, mental health and guardianship cases shall be assigned to Division VII.
- f. Juvenile CHINS, juvenile miscellaneous filed by the Office of Family and Children, and juvenile terminations shall be assigned to Division VII.
- g. Estate cases shall be assigned to Division I
- h. Small claims cases shall be randomly assigned 50% to Division IV and 50% to Division VIII.
- i. Infraction cases shall be randomly assigned.
- j. Reciprocal support cases shall be assigned to Divisions I, IV, VI, and VIII.
- k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
- l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.

- m. The Clerk shall use the related case function in the Odyssey Case Management System in protection order (PO) and juvenile paternity (JP) cases involving the same parties to facilitate coordination, consistency, and efficiency within judicial orders.
  - n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in Division VII involves the same parties to a new or pending domestic relations, support, or custody case.
2. Case Re-filed. If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a re-filed case is not initially re-filed in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.
  3. Case Recusal. The Court Reporter shall notify the Clerk of the cases in which judges recuse themselves. When a judge disqualifies and recuses in a case pursuant to Trial Rule 79 (C), the clerk shall randomly reassign the case to another Division currently receiving new filings of that case type pursuant to Caseload Allocation Rule LR 53-AR00108. Credit will be provided to the new division assigned.

C. Case Consolidation.

1. Civil cases. Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.
2. Criminal cases. All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division, or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

C. Case Transfer.

1. Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases. Upon transfer, credit will be given to the new Division assigned by the Odyssey Case Management System.

***LR53-AR00-0109 SPECIAL JUDGES IN CIVIL CASES PURSUANT TO TRIAL  
RULE 79(H) updated 8-15-2013***

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000**.

- A. Eligibility for Special Judge Service:**
1. **Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.
  2. **Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. Appointment of a Special Judge:** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:
1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County, on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
  2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.
- C. Acceptance of Appointment:**
1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
  2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.
- D. Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- E. Discontinuation of Special Judge Service.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.
- F. Method of Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

***LR53-AR00-0110 REQUIRED COMPLETION OF THE FAMILY LAW  
INFORMATION SHEET AND GUARDIANSHIP CHILD AND INCAPACITATED  
ADULT INFORMATION SHEET***

Pursuant to Trial Rule 3.1 (A) (7), all parties are required to fully complete the Family Law Information Form and the Guardianship Child and Incapacitated Adult Information Sheet.

***LR53-AR00-0111 ALLOCATION OF SMALL CLAIMS/EVICTIONS/ORDINANCE VIOLATIONS/PROCEEDINGS SUPPLEMENTAL/INFRACTIONS***

Updated 01/02/2014

- A. Small Claims: Small Claims are filed randomly between two of the court divisions. A maximum of 150 new Small Claims will be filed during a week. The Clerk will set hearings on the claims by filling the time slots as they appear on a calendar at the rate 25 cases per hour. These hearings are set on the first available date within 30-45 days of the filing date. The Clerk will enter the case electronically and issue the service before sending the file to the Court.
- B. Bulk Filings: Bulk filings are limited to 25 a day and 50 a week.
- C. Evictions: Eviction cases are randomly assigned by the Clerk to Division IV and Division VIII. The Clerk will enter the case data in JTS, issue a cause number and receipt for the plaintiff, mark the file as an eviction, tag the file with a marker requesting the Court to "Please set for hearing and return to Clerk." The Court sets the time within 15 to 45 days from the filing date. The case file is returned to the Clerk who issues service and completes the data entry in JTS.
- D. Ordinance Violation: Ordinance Violation filings are limited to 25 a day and 50 a week. The City attorney will set their own hearing date and times in accordance with the Court docket.
- E. Proceedings Supplemental: Proceedings Supplemental are filed at the maximum rate of 75 cases per week. The Clerk will set all proceedings supplemental complying with the 21 to 45 day service requirements. The Clerk will execute the order to appear, input data into Odyssey Case Management System, issue the service and send the file to the Court. Ordinance Violation Proceedings Supplementals are processed like small claims proceedings supplemental.
- F. Infractions: Traffic tickets are filed in the Clerks Office by law enforcement. Traffic violations will be randomly assigned.
- G. At initial hearing, defendants either pay the citation, enroll in the Infraction Diversion Program, or are assigned a bench trial date. Jury trials are assigned to the Division of the initial case filing.

***LR53-AR79 -0112 SPECIAL JUDGES IN CRIMINAL CASES***

Updated 8-15-2013

When it is necessary to appoint a special judge pursuant to Criminal Rule 13, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-CR13-000**.

**DR 20-CR13-000 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES**

Each county within the Administrative District shall amend its local rules, pursuant to Criminal Rule 2.2 and 13, to allow for appointment of Special Judges utilizing the following elements.

**A. Eligibility for Special Judge Service.**

1. **Available to Serve.** Pursuant to Criminal Rule 13(C), the Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.
  2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. **Appointment within the Administrative District.** In order to improve the coordination within the Administrative District, and pursuant to Criminal Rule 13(C), appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.
- C. **Appointment of a Special Judge.** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.
1. **Priority Given to Local County Appointments.** Pursuant to Criminal Rule 2.2, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.
  2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.
- D. **Acceptance of Appointment.**
1. **Acceptance Mandatory.** Pursuant to Criminal Rule 13(C), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
  2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

### ***LR53-AR01-0113 MONROE CIRCUIT COURT PLAN FOR ALLOCATION OF JUDICIAL RESOURCES***

- A. Cases shall be assigned in accordance with LR53-AR00- 0108, Caseload Allocation, and related procedures of the Monroe Circuit Court.
- B. The Presiding Judge shall:
1. Review and evaluate the caseload allocation data as reported by the Division of State Court Administration.
  2. Submit the initial evaluation and report with necessary recommendations to the Board of Judges for review and analysis in accordance with the Monroe Circuit Court local rules.
- C. The Board of Judges shall:

1. Review and analyze the report and other available data as enumerated in LR53-AR01-108, Caseload Allocation and implement any necessary actions to ensure the random and equal caseload allocation as established in the Monroe Circuit Court rules and procedures.

## ***LR53-AR00-0114 FISCAL MANAGEMENT***

### **A. Board of Judges.**

1. **Budgets.** The Board of Judges shall direct the preparation of a unified budget for all divisions of the Court, the Probation Department, and the Office of Court Services to be funded from the county general fund upon approval of the County Council. The Board of Judges shall further direct the preparation of additional budgets for programs funded by user fee income and grants, including all Youth Services Bureau budgets, for approval by the County Council.
2. **Annual Procedure.** Each year the Board of Judges shall establish a schedule for budget preparation, review, and submission with the goal of providing for the effective functioning of the court as follows:
  - a. Each judge, the Chief Probation Officer, and the Director of Court Services shall submit written budget requests to the Financial Coordinator in the Office of Court Services. These requests shall be specific and well-justified in light of the past year's expenditures and the future needs of the offices.
  - b. The Board of Judges shall meet to review the budget requests and may request further discussion from the chief Probation Officer, the Director of Court Services, or any other employee.
  - c. The Board of Judges shall establish budget priorities and guidelines for allocation of individual line items in the budget and shall direct the Director of Court Services to prepare budget proposals for submission to the County Council.

### **B. Office of Court Services/Probation/Youth Services Bureau.**

1. **Budgets.** The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall prepare budget proposals established by the Board of Judges for submission to the County Council for approval.
2. **Claims.** All claims shall be submitted to the Financial Coordinators after review by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director for compliance with the budgetary policies and guidelines of the Board of Judges. The Financial Coordinators shall forward all payroll claims and all purchase, travel, and training claims consistent with the Board's policies and guidelines as authorized by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director to the Auditor's Office for payment. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director must submit any claim exceeding budgetary guidelines or otherwise inconsistent with the Board's policies to the Board for approval.



3. Transfers within Budget Categories. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators may determine that a transfer is necessary within budget categories.
4. Transfers between Budget Categories. The Presiding Judge should approve transfers between budget categories as necessary. A written proposal shall be submitted to the to the County Council for approval.
5. Additional Appropriations. If the Director of Court Services, the Chief Probation Officer, or the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators determines that an additional appropriation is necessary, a written proposal shall be submitted to the Presiding Judge prior to submission to the County Council.
6. Mandate. No individual judge shall exercise mandates for the adequate provision of court services, personnel, or other expenditures.
7. Compliance with laws. The Presiding Judge, the Director of Court Services, , the Chief Probation Officer, the Youth Services Bureau Executive Director and the Financial Coordinators shall closely monitor all budget submissions, claims, expenditures, and other financial records to assure strict compliance with all laws, rules, and regulations.

### ***LR53-AR00-0115 BOARD OF JUDGES CHECKING ACCOUNT***

The Board of Judges will maintain a checking account administered by the Director of Court Services to be used for flowers, contributions, or cards on behalf of the Board of Judges as follows:

- A. For court system staff, flowers or a contribution will be sent upon the death of a spouse, child, or parent.
- B. For members of the Monroe County Bar Association, flowers or a contribution will be sent upon the death of a spouse or child, and a sympathy card will be sent upon the death of parents.

### ***LR53-AR00-0116 PERSONNEL***

A. General Organization. The Monroe Circuit Court employs personnel as follows:

1. Court Division:
  - Commissioner
  - Official Court Reporters
  - Associate Court Reporters
  - Law Clerks
2. Probation Department:
  - Chief Probation Officer
  - Deputy Chief Probation Officers
  - Probation Supervisor
  - Probation Officers

Program Staff  
Field Officers  
Clerical Staff

3. Office of Court Services:

Director of Court Services  
Deputy Court Administrator  
Case Management Coordinator  
Financial Coordinator  
Public Service Coordinator  
Family Court Coordinator  
Shared Court Reporters  
Bailiffs

4. Youth Services Bureau:

Executive Director  
Assistant Director  
Shelter Care Coordinator  
Residential Coordinators  
Residential Specialists  
Health and Wellness Specialists  
Clinical Coordinator  
Youth Support Specialist  
Project Safe Place Coordinator  
Clinicians  
Financial Manager  
Secretary/Receptionist

- B. Court Divisions. The Monroe Circuit Court shall have 9 court divisions. The judge of each court division shall have the sole authority to employ an Official Court Reporter, two Associate Court Reporters, and a Law Clerk, to serve at the pleasure of the judge. The Official Court Reporter of a division shall supervise the Associate Court Reporters and Law Clerks if so directed by the division's presiding judge.
- C. Probation Department. The Board of Judges shall have the sole authority to employ Probation Department personnel and to terminate their employment. All employees of the Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of Chief Probation Officer and interview and screen applicants for that position. The Chief Probation Officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions. As directed by the Board of Judges, the Chief Probation Officer shall supervise employees of the Probation Department and may delegate certain supervisory responsibilities to the staff and other employees.
- D. Office of Court Services. The Board of Judges shall have the sole authority to employ personnel for the Office of Court Services and to terminate their employment. All employees of the Office of Court Services serve at the pleasure of the Board of Judges. The Director of Court Services shall advertise an available position and interview and screen applicants as directed by the Board of

Judges. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions. Employees of the Office of Court Services shall be supervised by the Director of Court Services.

- E. Youth Services Bureau Executive Director. The Board of Judges shall have the sole authority to employ personnel for the Youth Services Bureau and to terminate their employment. All employees of the Youth Services Bureau serve at the pleasure of the Board of Judges. The Youth Services Bureau Executive Director shall advertise an available position and interview and screen applicants as directed by the Board of Judges. Employees of the Youth Shelter Bureau shall be supervised by the Youth Shelter Bureau Executive Director.

### ***LR53-AR00-0117 STAFF INTRODUCTIONS***

Updated 10/26/10

The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall introduce new staff to the Board of Judges and submit copies of their resumes to the Board upon request.

### ***LR53-AR00-0118 EVALUATIONS***

Updated 08/01/09

- A. Staff of the Probation Department is evaluated on an annual basis. The evaluation includes a job performance development plan for each employee.
- B. New probation department employees are on a probationary status for 6 months and are evaluated monthly. At the end of the probationary period, a formal job performance appraisal is conducted to determine employment, training needs, or other concerns.
- C. The staff of the Office of Court Services will be evaluated in the spring of each year by the Director of Court Services.
- D. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director will be evaluated annually by the Board of Judges.

### ***LR53-AR00-0119 AUDIT OF PROBATION ACCOUNTS***

An internal audit will be completed whenever a collections clerk terminates employment.

### ***LR53-AR00-0120 STAFF HIRING***

- A. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions.

- B. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions.
- C. After the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director interview applicants and choose the final candidate for a position, they shall notify the Board of Judges in writing or by electronic mail of applicant's hiring, including a copy of the applicant's resume upon request.

### ***LR53-AR00-0121 PERSONNEL RECORDS***

- A. The Director of Court Services shall maintain a personnel file on each court staff member and judges which would include, but not be limited, to hire date, pay rate, and emergency information.
- B. The Judges, Director of Court Services, Chief Probation Officer, and the Youth Services Bureau Executive Director shall maintain personnel records.

### ***LR53-AR00-0122 PROBATIONARY STATUS***

New employees shall be on probationary status for a minimum of 3 months and a maximum of 6 months, the specific duration of which is at the discretion of the department head. The period may be extended at the discretion of the department head. An employee is not eligible for vacation while on probationary status.

### ***LR53-AR00-0123 LONGEVITY FORMULA FOR COURT STAFF***

The effective date for longevity is the date an individual began full-time employment with the County. People cannot go back and claim days that would be affected by interrupted service. All records must be verified by the Auditor's Office. Longevity pay is based on the following schedule of complete and uninterrupted years of service:

<u>YEARS</u>	<u>AMOUNT</u>
>1	\$ 0
1	200
2	400
5	600
10	800
15	1,200
20	1,400
25	1,700
30	2,000

### ***LR53-AR00-0124 AFTER HOURS SIGN-IN***

All employees entering the Justice Building after work hours shall personally sign themselves in.

### ***LR53-AR00-0125 LAW CLERKS***

Each judge is allocated an average of 40 hours of Law Clerk work per pay period.

### ***LR53-AR00-0126 TRAVEL POLICY***

The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director may approve training requests not exceeding \$500/person/training. Any request above \$500 must be approved by the Presiding Judge.

### ***LR53-AR00-0127 ADMINISTRATIVE PROCEDURES***

Updated 10/26/10

- A. Executive Management Team. The Director of Court Services, the Chief Probation Officer, the Youth Services Executive Director and the Presiding Judge, shall constitute a management team for administrative issues. The team shall coordinate personnel policy and fiscal issues, identify issues or procedures that may impact outside specific divisions, maintain consistency on administrative issues among the divisions, and addresses other issues and projects consistent with the policies, priorities and goals of the Board of Judges.
- B. Purpose. The Executive Management Team shall advise the Board of Judges on administrative procedures and policy matters. The Executive Management Team is responsible for full communication between the Board of Judges and the employees of the Monroe Circuit Court on issues affecting the court system.

### ***LR53-AR00-0128 CLERK FILES – ACCESS***

Members of the public and attorneys shall not be permitted to remove court files from the Clerk's Office.

### ***LR53-AR00-0129 COPYING OF COURT TAPES***

- A. Audio copies of court proceedings will be provided to attorneys only. However, any person may listen to a tape or CD by scheduling a time with the Office of Court Services.
- B. Copies for attorneys of taped court proceedings will be provided by the Office of Court Services. The court reporter from the originating court will index and deliver the tapes to the Office of Court Services. The Office of Court Services staff will duplicate the tapes for the requesting attorney. The requesting attorney must provide blank tapes (brand new, high quality). Requests from attorneys of court proceedings on disc will be provided by the court reporter. The requesting attorney must provide blank CD's. The service is provided at no cost.
- C. Attorneys shall not transfer possession of a tape or CD or make another copy of the tape or CD for another person except as necessary for transcription. This rule does not prohibit an attorney from playing a tape or CD for a client.



### ***LR53-AR00-0130 EQUIPMENT USE***

- A. Use of county equipment for non-court related business in which actual expense is incurred by the County is prohibited unless the staff member has prior written judicial approval and any actual expense incurred by the County is reimbursed to the County.
- B. With the exception of vehicles, laptop computers, and transcribers, County equipment may not be taken home.

### ***LR53-AR00-0131 COURT RECORDS***

Original court records shall not be removed from the Justice Building, except by written permission of the judge.

### ***LR53-AR15-0132 TRANSCRIPTS***

Updated 1-1-10

- A. Definitions. The following definitions shall apply under this local rule:
  - 1. A ***Court Reporter*** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record in a given case before the court.
  - 2. ***Equipment*** means all physical items owned by the court or other governmental entity used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing, and transcribing electronic data.
  - 3. ***Work space*** means that portion of the court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.
  - 4. ***Page*** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
  - 5. ***Recording*** means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
  - 6. ***Regular hours worked*** means those hours which a division of the court is regularly scheduled to work during any given work week. Depending on the schedule of the court and its flex schedule for court reporters, these hours may vary from division to division of the court, within the county but remain the same for each work week.
  - 7. ***Gap hours worked*** means those hours worked that are in excess of the regular hours worked but hours not in excess of 40 hours per work week.
  - 8. ***Overtime hours*** means those hours worked in excess of 40 hours per work week.

9. **Work week** means a 7 consecutive day week defined by the County's payroll schedule which consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.
10. **Court** means the Monroe Circuit Court and Division means the particular division of the Court for which the court reporter performs services. Court may also mean all of the divisions of the Monroe Circuit Court.
11. **County indigent transcript** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
12. **State indigent transcript** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is declared indigent by a court.
13. **Private transcript** means a transcript, including but not limited to, a deposition transcript that is paid for by a private party. A transcript required within 14 days of the request is a category 1 expedited private transcript. A transcript required within 30 days of the request is a category 2 expedited private transcript. A transcript required within 45 days of the request is a category 3 expedited private transcript.
14. **Volume** applies to Appellate Court bound transcripts. Each volume is to be limited to 250 pages. The table of contents is to be a separate volume and the exhibits are to be included in a separate bound volume (or volumes if more than 250 pages).

B. Section Two. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Judge during any regular work hours, gap hours or overtime hours. The Monroe Circuit Court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a routine county indigent transcript shall be \$3.00. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The court reporter shall not charge a fee for copies of an indigent transcript when the preparation of same has already been paid by the county. The court reporter shall not charge for copies of a prepared indigent transcript requested by a Court appointed entity (i.e. CASA, GAL) when the preparation of same has already been paid by the county.
3. The maximum per page fee a court reporter may charge for the preparation of a non-appellate state indigent transcript shall be \$3.00.
4. The maximum per page fee a court reporter may charge for the preparation of a non-appellate private transcript shall be \$4.00. The per page fee a court reporter may charge for a copy of a prepared transcript shall be \$2.00. The maximum per page fee a court reporter may charge for the preparation of a category 1 expedited private transcript shall be \$7.50. The maximum per page fee a court reporter may charge for the preparation of a category 2 expedited private transcript shall be \$6.50. The maximum per page fee a court reporter may charge for the preparation of a category 3 expedited private transcript shall be \$5.50. Category 1, category 2 and category 3 expedited private transcripts are defined in Section 1, definition #13.



5. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of the State Court Administration.

C. Section Three. Private Practice.

1. If a court reporter elects to engage in private practice by recording a deposition and/or preparing a deposition transcript, outside of and in addition to his or her official duties for the court, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
  - a. The reasonable market rate for the use of equipment, work space and supplies;
  - b. The method by which records are to be kept for the use of equipment, work space and supplies; and
  - c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

D. Section Four. Appellate Court Transcripts.

1. The maximum per page a court reporter may charge for the preparation of an appellate indigent transcript is \$3.50.
2. The maximum per page fee a court reporter may charge for the preparation of an appellate private transcript shall be \$4.50.
3. A minimum fee of \$35.00 per transcript may be charged for small transcripts but not in addition to the per page fee.
4. The Index and Table of Contents shall be charged at the same per page rate as the body of the transcript.
5. Labor charge may be assessed at the same rate as the Official Court Reporter's hourly salary for time spent binding the transcript and exhibits.
6. In addition, a reasonable market rate for office supplies may be charged for private appellate transcripts as designated in the Schedule of Supplies.

***LR53-AR00-0133 DISCLOSURE OF PENDING CASE INFORMATION***

The staff of the Probation Department shall not disclose any information regarding a pending case to the

media. The media shall have access to information through court personnel in compliance with both the Indiana Rules of Court: Administrative Rule #9-Confidentiality of Court Records and the Code of Judicial Conduct, CANON 3, B. #10.

### ***LR53-AR00-0134 OFFICE OF COURT SERVICES***

- A. Establishment and Purpose. The Board of Judges has established an Office of Court Services to coordinate jury management, automation, statistics, system analysis, court security, fiscal management, caseload management, and public service for the Monroe Circuit Court.
- B. Director of Court Services. As directed by the Board of Judges, the Director of Court Services shall implement, supervise and evaluate the administrative functions and court staff; prepare and monitor the court's budgets; coordinate training for court personnel; assist in the hiring and discharge of personnel; research, develop and implement efficient programs and procedures; attend and coordinate Board of Judges meetings; and perform other duties as required.
- C. Other Personnel. The Board of Judges, through the Director of Court Services, shall hire administrative, clerical staff, and bailiffs as needed to provide services to the Court.
- D. Financial Planning and Budget Management. The Office of Court Services shall be responsible for the preparation, monitoring, and analysis of all budgets of the Monroe Circuit Court. All required fiscal reports are prepared for review by the Board of Judges. This office serves as primary liaison with the Auditor's Office, and prepares and submits payroll, claims, and employee information as required. This office orders supplies and equipment and oversees maintenance and service of equipment.
- E. Jury Management. The Office of Court Services is responsible for the summoning, impaneling, orientation, and payment of jurors needed for the Court.
- F. Statistical Analysis. The Office of Court Services is responsible for compiling, analyzing, and reporting statistical case data in the divisions of the Court.
- G. Court Security. The Office of Court Services provides security for the judges, court staff, attorneys, and the public in the courtrooms and court offices.
- H. Caseload Management. The Office of Court Services is responsible for assessing caseload in the divisions of the Court and recommending improvements to the Board of Judges.
- I. Court Support Programs. The Office of Court Services coordinates and provides statistical information on court support programs, coordinates referrals and communications to the Mental Health Center, and insures compliance with the American with Disabilities Act.
- J. Public Service. The Office of Court Services provides public service to the citizens of Monroe County by providing case information, public use of courtrooms, and educational tours.

### ***LR53-AR00-0135 ACCESS TO SECURE HALLWAY***

Access to the Secure Hallway will be provided by the Office of Court Services. Staff will allow entry to the following individuals:

- A. Court Staff.
- B. Members of the Bar and Bench.
- C. The public with prior permission of a judge's staff.

### ***LR53-AR00-0136 COPY OF DOCUMENT CHARGES***

The cost for copies of court documents to the public is set by statute and payable in the Clerk's Office.

### ***LR53-AR00-0137 NON-JUDICIAL COURTROOM USE***

The use of courtrooms for rehearsals by attorneys during working hours may be coordinated through the Office of Court Services.

### ***LR53-AR00-0138 LAW LIBRARY***

Updated 01/02/2014

The library resources may be used by the judges, court staff, and bar members.

### ***LR53-AR00-0139 POSTING OF NON-COURT RELATED ANNOUNCEMENTS***

Public announcements may not be posted on walls and windows. They may be placed in attorney mailboxes.

### ***LR53-AR00-0140 BAILIFF DUTIES***

- A. The bailiffs shall deliver transport orders and commitment orders to the booking division of the Jail, and warrants and writs to the records division of the Sheriff's Office.
- B. All bailiffs shall carry a radio for emergency situations.
- C. The bailiffs shall unlock and check the courtrooms that will be in use at the time indicated on the court calendar. At the completion of courtroom proceedings, the bailiffs should lock the courtrooms. If a bailiff is not present, the court reporter should lock the courtroom.

### ***LR53-AR00-0141 QUARTERLY STATISTICS***

The office of Court Services staff is responsible for preparing and reporting required case statistics to the

State Court Administrator's office quarterly.

### ***LR53-AR00-0142 PROBATION DEPARTMENT***

Updated 08/01/09

- A. Establishment and Purpose. As required by Indiana law, the Board of Judges has established a Probation Department to serve all divisions of the Monroe Circuit Court. The Probation Department shall comply with all laws of the State of Indiana and all standards put forth by the Judicial Conference of Indiana. The Probation Department staff conducts interviews and investigations, prepares pre-sentence and juvenile reports, and oversees probationers and juveniles for compliance with court orders. These activities are conducted with the goals of rehabilitating offenders and protecting society. Further, the Probation Department develops and maintains community-based alternative correction programs.
- B. Chief Probation Officer. As directed by the Board of Judges, the Chief Probation Officer shall oversee the efficient operation of the department; assist in the hiring and discharge of personnel; ensure the proper evaluation and training of department employees; compile statistics and create required reports; monitor budget expenditures and outline budget requests; maintain written policies and procedures for the department; and perform other duties as required.
- C. Probation Department Management Team. The Chief Probation Officer, Assistant Chief Probation Officers, and the Division Supervisors shall constitute the Probation Department Management Team. This team shall meet frequently to oversee operation of the Department and to formulate proposed changes to department policy and operation. Each Division Supervisor shall meet regularly with division staff and shall communicate staff concerns to the Probation Management Team.
- D. Procedures. The Probation Department shall maintain a written policy, procedure, and training manual which sets forth the manner of operation of the Department and the duties of each officer or staff member.
- E. Caseload Allocation. The Chief Probation Officer, with the assistance of the Probation Department Management Team, shall maintain a written caseload allocation policy for probation officers. This policy shall reflect a plan for equitable distribution of cases to officers based on workload, staff expertise, and training.
- F. Statistics and Reports. The Probation Department shall maintain all statistical reports and records required by law and necessary for compliance with grant or program authorities. A written report summarizing the activity and operation of the Probation Department shall be delivered to the Board of Judges by March 31st of each year.
- G. Fees and Costs. Court-ordered supervision fees shall be collected by designated staff pursuant to an established system of financial records management. This system, subject to a State Board of Accounts audit, shall delineate special funds accounts, maintenance of daily collections and ledgers, and proper deposit and disbursement of funds. An internal audit will be conducted any time the collection clerk or staff responsible for the collection of fees terminates employment.

### ***LR53-AR00-0143 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) VIOLATIONS***

Updated 01/01/10

- A. The CASP case manager (probation officer) will file a Notice of Noncompliance/Petition to Revoke Suspended Sentence for technical and/or new offense violation(s) that occur while participating on CASP and are specific to that program. The officer will provide probable cause information for the issuance of a warrant to the Sentencing Court, Duty Court, or Duty Judge if requested after hours. The CASP officer will continue to supervise the offender until the offender's CASP obligations are terminated or completed.
- B. A probable cause hearing and a request for warrant should be pursued on PTRs that allege serious or multiple home detention or CASP violations.

### ***LR53-AR00-0144 ADMINISTRATIVE PROBATION MODIFICATION MEETINGS***

Updated 01/02/2014

- A. The Board of Judges has authorized the Probation Department to conduct Administrative Probation Modification (APM) meetings to address minor technical violations of probation in accordance with I.C. 11-13-1-8. During the APM meeting, the supervising Probation Officer is authorized to resolve minor technical violations of probation via agreement with the probationer. Upon agreement with probationer, during this APM meeting, a Probation Officer may impose violation sanctions for said technical violations. Written judicial approval and an order are necessary prior to implementation of the agreed-upon violation sanctions only when conditions of probation have been modified that restrict a probationer's liberty, such as the use of electronic monitoring, imposition of Home Detention, and/or a commitment to the Monroe County Jail. If a specific condition is not modified, a Judge's signature is not required. Examples of violation sanctions that may be imposed without a requirement of a court order include, but are not limited to: imposition of community service hours (Road Crew/Public Restitution); increased or modified treatment or counseling requirements; imposition of Day Reporting requirements.
- B. Probationers shall be provided a notice of rights prior to entering into an agreement regarding a violation sanction. Participation shall be voluntary and persons shall, upon request, be given up to five (5) days to consult with an attorney prior to entering into the agreement and/or the opportunity to request the matter be set for a hearing. Probationers do not have a right to an attorney for an Administrative Probation Modification meeting and may refuse to participate.

### ***LR53-AR00-0145 RECOMMENDATION TO THE COURT FOR DISMISSAL***

Probation Officers can file "Recommendation to the Court for Dismissal" but may not file motions.

### ***LR53-AR00-0146 PETITION TO REVOKE***

- A. Probation Officers may file a PTR when the preponderance of evidence shows a new offense has been committed even if charges are not filed.
- B. Petitions to Revoke may be filed if violators fail to complete Public Restitution by deadline.

### ***LR53-AR00-0147 COMMUNITY CORRECTIONS PROGRAM POLICY***

The Monroe County Community Corrections Program will not compete with not-for-profit organizations for remuneration which could be fund-raising events for those agencies.

### ***LR53-AR00-0148 ROAD CREW AND PUBLIC RESTITUTION AGENCY APPROVAL***

- A. Any governmental or not-for-profit agency wishing to receive Road Crew services and/or Public Restitution workers from the Monroe Circuit Court Probation Department shall make application for “Approved Provider” status through the Community Corrections Director. The agency shall complete the “Monroe County Community Corrections Agency Agreement for Community Service Workers” form and submit this form to the Community Corrections Director. The agency shall also provide any additional information requested by the Community Corrections Director.
- B. Upon receipt of this completed form, the Community Corrections Director will present this application for “Approved Agency” status to the Chief Probation Officer.
- C. The Chief Probation Officer, or designee, will inform the applicant agency of the decision regarding approval status.

### ***LR53-AR00-0149 PROBATION FEES***

Updated 01/01/10

- A. The Board of Judges shall set/approve a schedule of fees for the Probation Department. This fee schedule will be updated annually or as needed.
- B. The Probation Department Fee Schedule will be recorded on an Order, to be filed with the Clerk in the General Order Book under “Establishing Fees For The Monroe County Probation Department.”

### ***LR53-AR00-0150 UNSUPERVISED PROBATION***

Updated 01/02/2014

- A. Unsupervised probation does not prohibit probation from responding to allegations of criminal activity by scheduling an appointment, conducting a home contact, or conducting a drug test. The sentencing judge will indicate on the sentencing order those terms of probation expected to be enforced and/or those terms not applicable if allegations are made. The Probation Department will advise the sentencing court if the unsupervised “probationer” has been arrested on another charge.
- B. Persons placed on unsupervised probation with no term of supervised probation shall be assessed an administrative fee and an initial Probation user fee as set by the current Probation Department Fee Schedule. Persons placed on any term of supervised probation with an allowance for unsupervised probation shall be responsible for all fees imposed including monthly fees during any unsupervised period.

### ***LR53-AR00-0151 WORK RELEASE PROGRAM***

Updated 01/01/10

- A. The local Work Release Program which operated out of the Monroe County Jail officially terminated on April 3, 2009.
- B. Defendants to be considered for placement in a work release facility (local or out-of-county) must be referred to the Community Corrections Program for program eligibility determination.
- C. Defendants must meet eligibility for the local Community Alternative Supervision Program (CASP) before being considered for work release placement (local or out-of-county), including the requirement that delinquent local Community Corrections fees must be paid in full.
- D. Offenders must have an actual 30 days to serve to qualify for the Work Release Program but exceptional cases will receive consideration.

### ***LR53-AR00-0152 ALCOHOL EDUCATION SCHOOL ATTENDANCE***

All persons charged with an alcohol related offense may be required to attend alcohol education classes or to complete substance abuse treatment. Persons referred to Alcohol Education School (AES) by the Pre-trial Diversion Program (PDP) who fail to attend AES should be reported by the Probation Department to PDP and at that time have their case re-instated as determined by the Monroe County Prosecutor.

### ***LR53-AR00-0153 COURT ALCOHOL AND DRUG PROGRAM USER FEES***

Updated 01/01/10

- A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 12-23-14.
- B. Court Alcohol and Drug Program Schedule of Fees:
  - 1. Assessment, Referral, and Monitoring: \$300 for misdemeanor conviction; \$400 for felony conviction.
  - 2. Assessment, Referral, and Monitoring for other jurisdictions: \$300 for misdemeanor conviction; \$300 for felony conviction.
  - 3. Transfer out fee: \$100.
  - 4. Alcohol Education School fee: \$75.
  - 5. Prime for Life Course: \$12 Hour -\$170.00, 16 Hour- \$220.00.
- C. All Court Alcohol and Drug Program Fees are payable to Clerk of the Court.

### ***LR53-AR00-0154 DRUG TREATMENT COURT USER FEES***

Added 1-1-10 Amended 7/1/11

- A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 33-23-16-23 and in accordance with the rules adopted by the Indiana Judicial Conference on June 16, 2011 effective July 1, 2011;
- B. Drug Treatment Court Administration Fee: Not more than \$100.00 per admission
- C. Drug Treatment Court User Fee: Fifty dollars (\$50) or less will be collected monthly beginning with the second month of participation and continuing for each month thereafter for the duration of participation in the problem-solving court.
- D. Drug Treatment Court User Fees are payable to Clerk of the Court.

### ***LR53-AR00-0155 YOUTH SERVICES BUREAU***

Added 1-1-10

- A. Establishment. The Monroe County Youth Services Bureau was established in compliance with IC 31-31-8.
- B. Transfer of Authority. The Monroe County Board of Commissioners transferred its authority regarding the Youth Services Bureau to the Monroe County Board of Judges effective July 5, 2010. Monroe County Code 420-1.
- C. Youth Services Bureau Executive Director. The Executive Director for the Youth Services Bureau is responsible for implementing the policy directions and goals of the Youth Services Bureau, including securing and administering department funds, supervising development and operations of programs and services, and supervising personnel.
- D. Citizen Advisory Board. A Citizen Advisory Board representing the needs of children and youth will meet with the Judge of the Monroe Circuit Court and/or the Youth Services Bureau Executive Director on a regular basis in accordance with IC 31-31-8-6. This Board shall be advisory in nature and have no legal authority or responsibility for the operation of the Bureau.

### ***LR53-AR00-0156 THE TAKING OF PICTURES, AUDIO OR VIDEO OF COURT PROCEEDINGS***

Updated 01/02/2014

- A. Pursuant to Indiana's Code of Judicial Conduct Rule 2.17, and the inherent authority of the Court to prevent the disruption of court proceedings, cell phones shall be turned off in the courtroom and the recording of audio and taking of video or photographs in the courtroom is prohibited, without prior permission from the court.



- B. Pursuant to Indiana Supreme Court rule, the broadcasting or televising of court proceedings distribution of audio and video recordings of court proceedings is prohibited, without the explicit permission of the court.
- C. The court may order the seizure of any suspected photographic, recording, or transmitting device and may order the removal of any unauthorized picture/audio/video prohibited by this rule.
- D. The taking of pictures or of audio and/or video recordings of court proceedings and/or distribution of such materials constitutes contempt of court and will subject the violator to court ordered sanctions.
- E. Court staff, including probation officers, attorneys, and security personnel are authorized to use cell phones for business purposes but shall put their cell phones on silent or vibrate while in the courtroom.

## **TRIAL RULES OF PROCEDURE**

### ***LR53-TR00-0200 SCOPE OF LOCAL RULES OF TRIAL PROCEDURE***

These rules shall apply in all cases in the Monroe Circuit Court. If there is a conflict between a Local Rules of Trial Procedure and another, more specific Monroe County Local Rule, that more specific rule shall control.

### ***LR53-TR00-0201 SERVICE TO ATTORNEY'S JUSTICE BUILDING MAILBOX.***

An attorney who has a mailbox in the Justice Building Court Services office consents to service of pleadings to that mailbox. Such service shall be deemed equivalent to service by United States mail.

### ***LR53-TR00-0202 SERVICE OF EMERGENCY MOTIONS.***

A motion seeking judicial action in three days or less shall be served on opposing parties by FAX, email, or personal service. The attorney or party filing of such a motion shall also inform the other parties of the filing by telephone at the time the motion is delivered to the court.

### ***LR53-TR05-0203 PREPARATION OF PLEADINGS AND ORDERS***

- A. Proposed Orders. A party or attorney filing a motion shall, at the time of filing, provide the court with an original proposed order and sufficient copies for each party, and an extra copy for the court. Proposed orders shall include a full distribution list of attorneys or parties to whom the order should be sent.
- B. Filing by Electronic Facsimile Transmission. Pleadings not exceeding ten (10) pages in length, may be filed by facsimile (FAX) as provided in Administrative Rule 12. Facsimile filing does not require follow up filing of duplicate original documents.

### ***LR53-TR00-0204 MOTIONS***

- A. Enlargement of Time to Answer. An initial written motion for enlargement of time to file an answer or other responsive pleadings shall be automatically allowed for an additional 30 days from the original due date without order of the court. Said motion shall state the original date when the response was due and the date to which that time is enlarged. For this rule to be applicable, the motion must be filed on or before the original due date.
- B. Accompanying Legal Memorandum. A separate legal memorandum shall be filed with any motion to dismiss a TR 12(b)(6) motion for judgment on the pleadings, a motion for more definite statement, or a motion to strike. A party opposing such a motion shall file a response

memorandum within 20 days of the filing of the motion or the motion shall be subject to summary ruling without further notice and without a hearing.

### ***LR53-TR00-0205 INTERROGATORIES***

- A. Number of Interrogatories. The number of interrogatories which may be served pursuant to Rule 33 shall be limited so as to require the answering party to make no more than 50 answers. Waiver of this limitation by order of the court will be granted in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case.
- B. Form of Answers or Objections. Answers or objections to interrogatories shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection.

### ***LR53-TR00-0206 DEPOSITIONS***

- A. This rule shall not apply in criminal or juvenile delinquency cases.
- B. Video Recordings of Depositions. A transcript of a video recording of deposition testimony shall be tendered to the court when the deposition is offered into evidence.
- C. Depositions of Experts. Depositions of experts shall be admissible at trial regardless of the availability of the witness or other limitations in Trial Rule 32(A), unless objection to the admissibility is made in writing 5 days prior to the taking of said deposition or within 10 days subsequent to notice of the deposition, whichever deadline occurs first. A copy of the notice shall be tendered to the reporter at the time of taking the deposition for inclusion with the deposition. In the absence of such written objection, the deposition of an expert may be admitted by stipulation.
- D. Copy of Deposition. Any party or counsel to an action may obtain a photocopy of a deposition on file with the Clerk of the Court upon tender of a receipt showing payment to the deposing party of 50% of the cost of said deposition. In addition, the requesting party of counsel shall tender to the Clerk the present statutory rate per page for the copying service.

### ***LR53-TR53-0207 CONTINUANCES***

- A. Information in Motion. A motion to continue a hearing or trial shall contain the following:
  - 1. The date and time of the hearing or trial for which a continuance is sought;
  - 2. The reason for the continuance;
  - 3. A motion for continuance shall not contain any other requests;
  - 4. A good-faith estimate of the time needed for such hearing or trial when rescheduled;
  - 5. The date and time opposing counsel/party was notified that the party would seek a continuance;

6. Whether opposing counsel /party agrees with or objects to the continuance; and
7. Contact information, including at least one telephone number, for any unrepresented opposing party, or an explanation of why that information is not available on diligent inquiry.

**B Continuances Sought for Conflicts:**

1. **Scheduling Conflicts.** A motion for continuance based on a conflict with a previously scheduled vacation shall state the date the vacation was set. A motion for continuance based upon a scheduling conflict with a another case shall specify the other case name and number, the date on which the conflicting hearing or trial date was set by the other court, and the type of hearing or trial. Any such motion for continuance shall be filed within 7 days of the scheduling conflict becoming apparent.

**C. Objections:**

1. If there is an objection to a continuance, the objecting party may ask the court to set a telephone conference to consider the objection.

## **RULES OF CRIMINAL PROCEDURE**

### ***LR53-CR00-0300 STATEMENT OF PRINCIPLES***

The Criminal Rules of the Monroe Circuit Court are intended:

- A. To promote a fair and expeditious determination of the charges, whether by plea or trial;
- B. To provide the defendant with sufficient information to make an informed plea;
- C. To permit thorough preparation for trial and minimize surprise at trial;
- D. To avoid unnecessary and repetitious trials by identifying any latent procedural or constitutional issues and affording remedies therefore prior to trial;
- E. To reduce interruptions and complications of trials by identifying collateral issues and determining them prior to trial; and
- F. To effect economies of time, money, and judicial and professional talents by minimizing paperwork, repetitious asserts of issues, and the number of separate hearings.

### ***LR53-CR00-0301 DISCLOSURE BY THE PROSECUTING ATTORNEY***

- A. Scope. The prosecuting attorney shall, except as otherwise provided by these rules, disclose and provide to the defendant the following information:
  - 1. The names, addresses, and telephone numbers of all persons who may be called as witnesses in the case, together with copies of their written or recorded statements and any record of their prior criminal convictions;
  - 2. Copies of any written or recorded statements and a written summary of any oral statements, related to the case, made by the defendant or made by a co-defendant;
  - 3. A copy of the grand jury minutes containing testimony of any person from whom testimony was taken in the case;
  - 4. Copies of any reports or statements of expert or skilled witnesses related to the case, including results of physical or mental examinations, scientific tests, experiments, or comparisons;
  - 5. The terms of any agreements made with co-defendants or other witnesses to secure their testimony, including any written documentation thereof;
  - 6. Identification of any books, papers, documents, photographs, or other tangible objects which may be offered as evidence in the case or which were obtained from or belong to the defendant;

7. Copies of affidavits for search warrants, search warrants, and returns made on search warrants;
  8. Whether any relevant grand jury testimony has not been transcribed;
  9. Whether any existing material or information subject to these rules is not then available to the prosecuting attorney for disclosure to the defendant;
  10. Whether any material or information related to the case has been provided by an informant;
  11. If there has been any electronic surveillance or wiretapping of the defendant's premises or conversations to which the defendant was a party; and
  12. If requested by the defendant, any relationship of specified persons to the prosecuting attorney.
- B. Exculpatory or Mitigating Information. The prosecuting attorney shall disclose to the defendant any material or information known to the prosecuting attorney which would tend to negate the guilt of the defendant as to the offense charged or which would tend to mitigate any sentence imposed in the event of a conviction.
- C. Examination of Evidence. The prosecuting attorney's duties to disclose information and evidence under this rule include material and information in the possession and control of the prosecuting attorney's staff and employees, of any other persons who have participated in the investigation and evaluation of the case, of any other persons who regularly report to the prosecuting attorney, and of any other persons who have reported to the prosecuting attorney with reference to the charge filed.

### ***LR53-CR00-0302 DISCLOSURE BY THE DEFENDANT***

- A. Scope. The defendant shall, subject to constitutional limitations and except as otherwise provided by these rules, disclose to the prosecuting attorney:
1. The names, addresses and telephone numbers of all persons who may be called as witnesses in the case, together with copies of their written or recorded statements;
  2. Copies of any reports or statements of expert or skilled witnesses related to the case, including results of physical or mental examinations, scientific tests, experiments, or comparisons, intended to be offered as evidence in the case;
  3. Identification of any books, papers, documents, photographs, or other tangible objects which may be offered as evidence in the case; and
  4. Identification of any affirmative defenses upon which the defendant intends to rely in the case.
- B. Examination of Evidence. The defendant shall permit inspection, copying, photographing, and testing of all evidence disclosed under these rules at reasonable times and places and under reasonable terms and conditions to insure against loss of, damage to, or alteration of the character or integrity of the evidence.
- C. Additional Disclosure upon Order of Court. The Court may, subject to constitutional limitations,

require a defendant or a suspect in an investigation:

1. To appear in a line-up;
  2. To speak, and to speak specific words, within the hearing of witnesses to an alleged offense;
  3. To pose for photographs not involving the reenactment of alleged events;
  4. To provide handwriting specimens;
  5. To be fingerprinted;
  6. To don specified articles of clothing;
  7. To submit to reasonable physical or medical inspections;
  8. To submit to the taking of specimens of material from under fingernails and toenails; and
  9. To submit to the taking of sample of blood, hair, and other bodily substances and materials.
- D. Reasonable Cause and Notice. A suspect not charged with an offense shall be required to appear pursuant to Section (C) only after a determination by the Court that there is reasonable cause to require the person to appear for the specified purpose. A defendant or suspect ordered to appear for a purpose specified in Section (C) shall be given reasonable advance written notice specifying the purpose of the appearance, the place at which the person must appear, and the date, time, and length of time required for the appearance. Such notice shall be provided to the person and the person's attorney, if any, and the attorney shall have the right to the present.

### ***LR53-CR00-0303 GENERAL RULES PERTAINING TO DISCOVERY***

- A. Requirement of Court Order. No written motion to, or order of, the Court shall be required to obtain discovery pursuant to these rules, except:
1. For additional discovery or disclosure not specifically required by these rules;
  2. For an extension of time within which to comply with these rules, specifying the reasons for the extension;
  3. For a protective order; or
  4. To complete compliance with these rules.
- B. Time of Disclosure. The prosecuting attorney shall provide full discovery to the defendant:
1. Within 21 days after the initial hearing in a felony case, or
  2. Within 15 days:

- a. After an attorney's appearance for the defendant; or
- b. After a pro se defendant's request in a misdemeanor case.

The defendant shall provide full discovery to prosecuting attorney:

1. Within 21 days after disclosure by the prosecuting attorney in a felony case; and
  2. Within 15 days after disclosure by the prosecuting attorney in a misdemeanor case.
- C. Continuing Duty. The duty of disclosure pursuant to these rules continues until dismissal, acquittal, or conviction and a party shall disclose all information and material subject to these rules or other order of the Court promptly after discovery thereof, notwithstanding any prior compliance with these rules.
  - D. Manner of Disclosure. All disclosures required by these rules shall be made in writing or, if first discovered during hearing or trial, on the record in open court.
  - E. Work Product. Neither party shall be required to disclose work product.
  - F. Excision. Tangible items which are in part subject to these rules and in part beyond the scope of these rules shall be excised and produced to the extent required by these rules, with notice to the other party that portions thereof have been excised.
  - G. Protective Orders. Disclosure required by these rules may be denied or subjected to reasonable limitations if the Court, after motion by either party determines that any benefit of the disclosure is outweighed by a substantial risk to any person of physical harm, non-physical injury or damage, undue embarrassment, or other compelling factor.
  - H. In Camera Examination. Any tangible item or information which becomes the subject of a motion for protective order may be examined, inspected, or otherwise evaluated, by the Court in camera. Upon order of the Court granting such relief, a summary of the protected information, shall be sealed and preserved in the record of the case.
  - I. Impeding Investigation Prohibited. Neither party shall, directly or indirectly, advise any person to refuse to discuss the case with the other party, advise any person to refuse to disclose any relevant information or material to the other party, or otherwise impede the other party's investigation of the case, except as may be authorized by constitutional provision, the statutes of this State, or common law privilege.
  - J. Sanctions. Upon failure or refusal of either party to comply with these rules or other discovery orders of the Court, the Court may impose sanctions.

### ***LR53-CR16-0304 PRETRIAL CONFERENCES***

Updated 01/02/2014

- A. Number, Orders and Reports. One or more pretrial conferences may be required at the discretion of the Court. All attorneys of record are required to appear at and participate in all required pretrial



conferences. The Court shall make or require an appropriate order or report after a required pretrial conference.

- B. Presence of Defendant. The defendant is required to attend pretrial conferences unless excused by the Court.
- C. Scope. All pretrial conferences shall address with specificity:
1. The names of all persons, including addresses and telephone numbers upon request of the opposing party, intended to be called to testify at pretrial hearings or at trial;
  2. The identification of all tangible items intended to be offered as exhibits at pretrial hearings or at trial;
  3. All stipulations of testimony and fact concerning matters not in material dispute which may aid in expediting pretrial hearings or the trial;
  4. The identification of all motions to dismiss, motions to suppress evidence, questions of law, and procedural issues which can and should be resolved prior to trial to expedite the trial of the case;
  5. The anticipated necessity of further discovery by either party and the reasonable length of time required to complete it; and
  6. The tender of any proposed plea and/or sentencing agreement by the prosecuting attorney and the response of the defendant thereto.
- D. Waiver of Issues. All motions to dismiss, motions to suppress evidence, question of law, and procedural issues known to the parties on the basis of the information then available and not specifically identified for pretrial resolution in the pretrial order are waived.

### ***LR53-CR00-0305 TRIAL SCHEDULE***

Except as may be required for compliance with Criminal Rule 4 of the Indiana Rules of Criminal Procedure or other just cause determined by the Court, cases will be scheduled and called for trial according to the earliest date of filing. However, all cases scheduled for trial remain on the trial docket, unless continued on order of the Court.

### ***LR53-CR53-0306 CHANGE OF PLEA DATES / CONTINUANCE***

Updated 01/02/2014

Requested change of plea hearings will only be scheduled upon submission of a signed plea and sentencing agreement with the court subject to the court's discretion.

- A. Requirement of Motions. All motions for continuance shall be requested, and will be granted by the Court only for good cause.
- B. Conflicting Settings. All motions for continuance based on conflicting case settings shall be filed

within 14 days after notice of the conflict and shall specify:

1. The court in which the conflicting case is pending;
  2. The name and cause number of the case;
  3. The nature of the conflicting hearing or trial; and
  4. The date upon which the other court scheduled the conflicting setting.
- C. Further Discovery. Continuances for the purpose of conducting further discovery may be granted for good cause shown. However, no continuances for the purpose of discovery filed more than 6 months after the initial hearing will be granted by the Court, absent demonstration by the moving party that need for the additional discovery could not have been anticipated, or that the discovery could not have been completed by the exercise of due diligence.
- D. Unavailability of Witnesses. Any motion for continuance based on the unavailability of a witness shall be filed at least 7 days before the scheduled trial date. Any such motion filed more than 6 months after the initial hearing, or any such motion to which an objection is filed, must comply with IC 35-36-7-1 or IC 35-36-7-2.

### ***LR53-CR00-0307 APPEARANCE OF DEFENSE COUNSEL***

- A. Written Appearance. An attorney must file a written appearance for the defendant at the earliest possible time after being retained by the defendant or appointed by the Court to represent the defendant.
- B. Withdrawal of Appearance. An attorney's appearance on behalf of a defendant may be vacated or withdrawn only after a hearing in the presence of the defendant. The defendant's presence will not be required upon the attorney's demonstration at the hearing of the inability to locate the defendant.
- C. Waiver of Hearing. The hearing required in Section (B) is waived if another attorney has entered a written appearance on behalf of the defendant.
- D. Withdrawal Based on Nonpayment of Fees. An attorney's motion to vacate or withdraw his appearance on behalf of a defendant based solely upon the defendant's failure to pay the attorney's fee, will not be granted:
1. If filed more than 6 months after the initial hearing; or
  2. If filed more than 30 days before a trial date scheduled within the first 6 months after the initial hearing.
- E. Duration of Appearance. An attorney's appearance on behalf of a defendant is deemed to be vacated or withdrawn after the time permitted to file a Notice of Appeal for the purposes of appealing a disposition on the merits has elapsed and an appeal has not been initiated. If an appeal is initiated, the attorney remains of record for the defendant until the appeal is concluded or the appearance is otherwise vacated pursuant to this rule.

## ***LR53-CR00-0308 PRE-SENTENCE INVESTIGATIONS***

Court Reporters are to return Pre-Sentence Investigations to the Probation Department at the conclusion of the case.

## ***LR53-CR00-0309 BONDS***

All bonds shall be delivered by the Monroe County Sheriff's Office to the Clerk for posting. The Clerk shall deliver the bonds to the appropriate court division prior to the time of Initial Hearing.

## ***LR53-CR00-0310 BAIL BOND SCHEDULE***

### **IN THE CIRCUIT COURT FOR THE COUNTY OF MONROE AND STATE OF INDIANA**

#### **ORDER ESTABLISHING BAIL SCHEDULE**

Pursuant to the provisions of IC 35-33-8-4, the Circuit Court of Monroe County, Indiana, enters the following order establishing the amount of bail for those persons charged with the commission of criminal offenses by information; arrest on probable cause, or indictment.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** by the Court that effective immediately and until further order of the Court, bail shall be as follows for all individuals charged with the commission of criminal offenses in the Monroe Circuit Court:

#### **SECTION 1. FELONIES**

- A. For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set except by a judge at a preliminary hearing;
- B. For a person charged with being a habitual offender; bail shall be \$50,000 surety and \$500 cash, or a habitual substance offender; bail shall be \$25,000 surety and \$500 cash;
- C. For any Class A felony offense, bail shall be \$50,000 surety and \$500 cash;
- D. For any Class B felony offense, bail shall be \$20,000 surety and \$500 cash;
- E. For any Class C felony offense, bail shall be \$5,000 surety and \$500 cash;
- F. For any Class D felony offense, bail shall be \$2,000 surety and \$500 cash.

## **SECTION II. MISDEMEANORS**

- A. Any person arrested for a misdemeanor offense other than battery, domestic battery, invasion of privacy, resisting law enforcement, possession of a handgun without a license, operating a vehicle while intoxicated operating with either a .08 or .15 ACE or dealing marijuana or hashish, shall be released from jail to appear in court on that person's own recognizance, subject to the following conditions:
1. At the time such a person is released on recognizance, the person shall be required to furnish a present residential and mailing address, telephone number, social security number, and employer's name and address. The identifying data of any full-time or part-time student at Indiana University – Bloomington shall include a student's permanent address and telephone number as well as the student's local address and telephone number.
  2. If the person arrested is under 21 years of age, the information shall also include parents' names, addresses, and telephone numbers.
  3. If the person agrees to provide the data required in Section II, A (1), but is unable to provide a social security number, driver's license, photo identification card, or employer information, the person may be released to the custody of a resident of Monroe County over 18 years of age who can provide such data on themselves.
  4. Upon refusal to provide the information required under this Section, the person shall be held until brought before a judge.
- B. A person shall not be released on recognizance if the person:
1. Has any conviction within the last 5 years;
  2. Has failed to appear in any court within the last 5 years;
  3. Has pending criminal charges; or
  4. Is on probation or parole at the time of arrest.
- C. If the provisions of this Section do not authorize the release of the person on recognizance, bail shall be as follows:
1. For any Class A misdemeanor, bail shall be \$1,000 surety and \$500 cash;
  2. For any Class B misdemeanor, bail shall be \$500 surety and \$500 cash;
  3. For any Class C misdemeanor, bail shall be \$500 surety and \$500 cash.

## **SECTION III. MISCELLANEOUS PROVISIONS**

### **A. Promise to Appear.**

1. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall

be required to execute a written Promise to Appear in the appropriate court at the designated date and time. The Promise to Appear form shall be immediately forwarded to the appropriate court by the Sheriff.

- B. Intoxication. No person shall be released by the Sheriff of Monroe County, regardless of the provisions of this Order, unless such person clearly manifests a state of sobriety at the time the provisions of this Order would otherwise permit release.
1. The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others.
  2. When information is available concerning the blood-alcohol content of an intoxicated person due to the administration of blood tests, breath tests, or other chemical tests, no intoxicated person shall be released by the Sheriff except as provided by IC 35-33-1-6.
  3. When no information is available concerning the blood-alcohol content of a person charged with operating while intoxicated, such person shall not be released for a period of 24 hours, unless ordered by a judge.
  4. When no information is available concerning the blood-alcohol content of a person charged with public intoxication, such person shall not be released for a period of 4 hours, unless ordered by a judge.
- C. Battery. A person arrested on a charge involving battery or domestic battery, shall not be released until 24 hours have elapsed, unless ordered by a judge. The person may then post bail:
1. Pursuant to other sections of this Bail Order; and
  2. If the person agrees in writing to initiate no contact with the victim.
- Upon refusal to sign a No Contact Agreement, the person shall be held without bail until brought before a judge.
- D. Extradition. Any person extradited to Monroe County shall be held without bail until brought before a judge.
- E. Overweight Trucking Violations. The bail schedule as set out in this Order shall not apply to trucking violations. Bail for such offenses shall be determined pursuant to the provisions of IC 9-20-18-1, et seq.
- F. Combination of Charges. If a person is charged with the commission of more than one offense arising out of a single incident, whether the offenses are felonies or misdemeanors, bail shall be in one amount for all charges, and shall be in the amount established for the most serious offense charged.
- G. Double Bond. The specified surety bond for felonies or misdemeanors shall be doubled in the event the person has a pending case, has been convicted of a felony within the last 5 years, or is a habitual substance offender.

- H. Cash Bond. After normal business hours the Sheriff shall accept a bond made in cash or by certified check and shall issue a receipt. A cash bond must be posted in the name of the Defendant. Thereafter, as soon as is practicable, the Sheriff shall deposit the cash or certified check with the Monroe County Clerk.
- I. 10% Cash Deposit or Full Cash Bond. The Clerk or Sheriff may not accept 10% cash deposit or full cash bond in lieu of the bond otherwise required herein except upon express written order of a judge. In the event a 10% cash bond is approved by a Court, the Clerk may retain as a service fee 10% of the amount deposited when the bond is released at the conclusion of the case.
- J. Probation/Parole Hold. A person charged with the commission of a crime while on probation or parole shall be held without bail until brought before a judge.
- K. Release of Bond. No cash bond may be released by the Monroe County Clerk except upon written order of a judge after judgment has been entered and any fines, fees, and costs imposed by the Court have been paid and satisfied.
- L. Amount of Bail on Warrant. If bail is set at a probable cause hearing, the amount of bail set by the judge shall be endorsed upon the arrest warrant and shall supersede conflicting provisions of this order.

#### ***LR53-CR00-0311 PUBLIC DEFENDER APPOINTMENT***

Public Defender appointments continue for 30 days beyond conviction in criminal cases or disposition in Juvenile Delinquency cases.

#### ***LR5S-CR00-0312 TRANSPORTING PRISONERS FOR MENTAL HEALTH EVALUATIONS***

- A. The Monroe County Sheriff will provide transportation of prisoners to the Bloomington Hospital or Centerstone, or other agency determined as appropriate for competency or sanity evaluations.
- B. Emergency evaluations and dispositional reports may be conducted in jail.

#### ***LR53-CR00-0313 LATE PAYMENT FEE***

The Court may impose a late payment fee of \$25 pursuant to IC 33-37-5-22.

#### ***LR53-CR00-0314 MENTAL HEALTH EVALUATIONS***

The Office of Court Services staff will coordinate referrals and communications with the Bloomington Hospital, Centerstone or other agency directed by the Court.

### ***LR53-FL00-0400 FAMILY LAW RULES SCOPE AND TITLE***

- A. Scope. These Rules shall apply in the Monroe Circuit Court in all domestic relations, paternity, and child support cases in the Monroe Circuit Court unless otherwise ordered by a judge presiding in a specific case. These Rules are in addition to, and are not intended to replace, the Local Rules of Practice and Procedure for the Monroe Circuit Court. In the event of a conflict in a family law matter, these Rules shall apply. These Family Law Rules shall be effective on January 1, 2012.
- B. Title. These Rules shall be known as the “Monroe County Family Law Rules” and shall be referred to as LR53-FL00-04\*\*.
- C. Duties of Pro se Parties and Attorneys.
1. The Monroe Circuit Court expects and requires good faith cooperation and communication between parties. This is especially important in cases involving minor children.
  2. Parents shall make every reasonable effort, through discussion and communication, to reach agreements that serve the best interests of children before seeking court intervention.
  3. Attorneys shall help their clients reach just agreements, and shall use all available means of communication to fairly resolve disputes and misunderstandings between the parties.
  4. Whenever possible opposing attorneys in a family law case should communicate with each other to resolve pending matters and avoid unnecessary court action.
  5. Attorneys shall at all times observe the obligation of a lawyer to maintain a professional, courteous and civil attitude toward all persons involved in the legal system.
  6. This rule is not intended to impede the obligation of an attorney to act as an advocate, or to affect a lawyer’s duty to act promptly and diligently in the representation of a family law client.

### ***LR53-FL00-0401 UNREPRESENTED (PRO SE) PARTIES***

- A. The same court rules of evidence and procedure apply to parties who are represented by lawyers and parties without lawyers (pro se). The court is required to hold all parties to the same standards.
- B. Unrepresented parties are required to file appropriate pleadings to initiate court action. The court will accept form pleadings approved by the Indiana Supreme Court. ([www.in.gov/judiciary/selfservice/forms/](http://www.in.gov/judiciary/selfservice/forms/)) The court has the discretion to reject incomplete pleadings and other form pleadings that do not satisfy Indiana law. *Unrepresented pro se parties may access the Monroe County Government web site and click on the “Justice” tab for additional resources and information.* <http://www.co.monroe.in.us/tsd/>

- C. Any document filed with the court shall at a minimum, contain a “certificate of service” that states that the document was provided to the other party; the address of both parties; and the date of delivery.

### ***LR53-FL00-0402 ALTERNATIVE DISPUTE RESOLUTION:***

- A. Mediation is a preferred way to resolve family law issues. Parties shall attend mediation before any of the following contested court hearings, unless excused by the court:
1. final hearings;
  2. post-decree hearings about child custody or parenting time.
- C Parties may either select a mediator by agreement or ask the court to appoint a panel of mediators.
- D Parties of limited means may request the service of the Family Court Mediation Program. Nominal charges for this program are assessed on a sliding fee scale, based upon income.
- E This rule does not require mediation of contempt motions that allege the failure to pay child support or interference with court ordered parenting time.
- C A party may request to be excused from mediation in cases involving domestic violence, or for other good reason.

### ***LR53-FL00-0403 CONFERENCES***

A conference *with the court* may be set at any stage of the litigation. The court will not take testimony or admit exhibits at conferences. Conferences are not recorded. Parties may request that conferences be conducted telephonically. If the *parties are not represented by counsel (pro se)*, the conference may be used to assess and clarify the issues, advise the parties of required documentation (i.e. child support worksheets, financial declaration, etc), to refer the case to mediation, and/or to assign a hearing date. If the *parties are represented by counsel*, the conference may also address case management deadlines, witness and exhibit lists, and other matters. Clients are not required to attend conferences with counsel *unless the court directs otherwise*.

- A. Expedited Conferences. The court may set a conference at any time to address a motion to continue or other motion that requires a prompt response. An expedited conference may be set to schedule a requested emergency hearing.
- B. Attorney Conferences. The court may order attorneys to conduct an attorney conference at any time to address specific issues, or in preparation for a hearing. Counsel shall file an attorney conference report following the conference to report stipulations, agreements, or other action taken.



### ***LR53-FL00-0404 PRELIMINARY HEARINGS***

At or after the filing of a Petition for Dissolution of Marriage, a party may request a hearing on temporary maintenance, child support, child custody, possession of marital property, or counseling. The motion shall follow the requirements of the statute (IC 31-15-4) and be accompanied by an affidavit setting forth the factual basis for the relief requested. Each party shall file a completed Financial Declaration no later than the time of the hearing (Appendix E)

### ***LR53-FL00-0405 ADMINISTRATIVE PROCEDURES***

- A. Information sheet: Every party initiating a family law case shall complete a Family Law Information Sheet on green paper and file it with the initial pleadings. Each time a party initiates a modification, that party shall complete a new party Information Sheet on green paper and file it with the modification pleadings. The information provided shall include notice of any other pending legal proceeding involving child abuse and neglect, paternity, a protective order, and criminal charges. It shall include the name and location of the court in which the case is pending, the case number, the names of the parties involved, and a brief summary of the nature of the legal proceeding.
- B. Request for Hearing: Every request for a hearing shall include a brief statement of the issues to be decided at the hearing; whether or not an emergency exists that requires immediate court action; and an estimate of the time the court should allow for the hearing.
- C. Summary Presentation: By agreement of the parties, all issues and evidence relevant to a domestic relations case may be presented in summary fashion by counsel.
- D. Summons Form: In all new cases relevant to family law matters, the petitioner shall use the Summons Forms set forth in Appendix A or B.

### ***LR53-FL00-0406 CONTINUANCES***

- A. Information in Motion. A motion to continue a hearing or trial shall contain the following:
  - 1. The date and time of the hearing or trial for which a continuance is sought;
  - 2. The reason for the continuance;
  - 3. A good-faith estimate of the time needed for such hearing or trial when rescheduled;
  - 4. The date and time opposing counsel/party was notified that the party would be seeking a continuance;
  - 5. Whether opposing counsel /party agrees with or objects to the continuance; and
  - 6. Contact information, including at least one telephone number, for any unrepresented opposing party, or an explanation of why that information is not available on diligent inquiry.

B. Continuances Sought for Conflicts:

1. **Scheduling Conflicts.** A motion for continuance based upon a scheduling conflict with a previously scheduled vacation shall state the date the vacation was set. A motion for continuance based upon a scheduling conflict with another case shall specify the other case name and number, the date on which the conflicting hearing or trial date was set by the other court, and the type of hearing or trial. Any such motion for continuance shall be filed within 7 days of the scheduling conflict becoming apparent.

C. Objections:

2. If there is an objection to a continuance, the objecting party may ask the court to set a telephone conference to consider the objection.

***LR53-FL00-0407 SUBMISSION OF AGREEMENTS***

- A. Written Agreements and Orders Required. No agreed matter shall be submitted unless accompanied with a signed agreement and a proposed order or decree.
- B. Copies. When submitting an Agreement or proposed order, the parties shall submit two (2) copies for the court and a copy for each party.

***LR53-FL00-0408 CHILD SUPPORT***

- A. Worksheet Required. In all proceedings involving child support, each party shall file one or more completed Indiana Child Support Obligation Worksheet, Health Insurance Worksheet (not required if parties agree that one parent will carry insurance), and Post Secondary Worksheet (if applicable) with every agreed order, and at every hearing or trial. Worksheet and child support guideline information is available at: [www.in.gov/judiciary/rules/child\\_support](http://www.in.gov/judiciary/rules/child_support).
- B. Deviations from Child Support Guidelines If an agreed amount of child support deviates from the Guidelines, the agreement shall set out the reasons for the deviation.
- C. Income Withholding Order Required. In all proceedings involving child support, the Income Withholding Order required by IC 31-16-15-0.5 shall be submitted to the court with any agreement or proposed order. A sample Income Withholding Order is attached as Appendix F
- D. Child Support Arrearage Calculation Form. In all proceedings involving a child support arrearage, including contempt hearings, the party alleging the child support arrearage shall file a completed Child support Arrearage Calculation Form with the court at the hearing. The form is located at Appendix D to these Rules.

***LR53-FL00-0409 CHILDREN IN FAMILY LAW CASES***

- A. COPE: (<http://www.vnsi.org/chil.asp>) The best interest of children of divorcing parents and parents involved in paternity proceedings will be served by requiring parental participation in an education

workshop entitled “Children Cope with Divorce”. Participation will:

- Improve post-separation parenting; and
- Encourage agreements between the parties concerning their child(ren).

These same interests will be served by requiring attendance at the workshop by some parents involved in post-dissolution proceedings.

Both parents in domestic relations and juvenile paternity cases involving children under the age 18 years shall attend the parenting education workshop. The workshop must be completed prior to final hearing. Parents in cases seeking modification of custody and visitation orders may be ordered to attend the parenting education workshop. Each parent is responsible for the fee (\$50.00/person), though an allowance for indigent fee waiver may be available. The Petitioner shall register for the workshop within 30 days of filing the petition. A copy of the Standing Order that requires attendance shall be served on the Respondent with petition. The Respondent shall register for the workshop within 30 days after receiving the Standing Order. Said registration can be completed on line at: (<http://www.vnsi.org/chil.asp> or made through:

#### CHILDREN COPE WITH DIVORCE

Call Tuesday through Friday  
9:00 am to 6:00 pm  
(877) 840-2673 or (317)722-8201  
Ask for Children Cope With Divorce Seminar  
Registration

Send completed registration cards to:  
  
Children Cope With Divorce, Registrar  
4701 N. Keystone Avenue  
Indianapolis, IN 46205

- B. If the court finds that it would be in the best interests of a child in a family law case, the court may order the parents or other involved parties to participate in Up to Parents or Proud to Parent, or other resource not listed below as follows:
1. Marital Dissolution and Separation Cases: Parties so ordered shall complete the website work on [www.UpToParents.org](http://www.UpToParents.org) within 30 days of being so ordered. Parties shall file a copy of the “conclusion page” (which appears as the final page of the website work) to the court as documentation
  2. Paternity Cases: Parties so ordered shall complete the website work at [www.ProudToParent.org](http://www.ProudToParent.org) within thirty (30) days of being so ordered. Parents shall file a copy of “The Conclusion Page” (which appears as the final page of the website work) to the court as documentation.
- C Resources in Cases Involving Risk to Child Safety. If the parties allege that current custody or parenting time orders present a risk to the safety of the child, the parties may request appointment of a guardian ad litem or custody evaluator. The request shall contain the availability, name, address, and phone number of the recommended professional and the cost of services, and how the costs will be divided between the parties. With reduced income parties the parties may request a Civil Investigation to be conducted by a probation officer.

## ***LR53-FL00-0410 FINANCIAL DECLARATION FORM***

- A. Required Exchange of Financial Declaration Form: In a dissolution of marriage or legal separation case, either party may request the exchange of the Financial Declaration Forms attached at Appendix E by filing a written notice with the court. Each party, except the State of Indiana when it is a party for child support purposes, shall provide to each other party a completed Financial Declaration Form and supporting documents within forty-five (45) days after service of the written notice. No court order for such exchange shall be required. The court may also order this exchange without a request from a party. If the court does order the exchange of Financial Declaration Forms, the court shall specify the deadline for the exchange.
- B. Required Filing with Court: Each party, except the State of Indiana when it is a party for child support purposes, shall file with the court a completed Financial Declaration Form and supporting documents at or before the time of any contested preliminary or final hearing in a dissolution of marriage or legal separation case
- C. Admissibility. Unless a party makes a specific objection to the admission of the other party's completed Financial Declaration Form, the Form shall be admitted into evidence. Any objection shall be made only to that part of the other party's completed Financial Declaration Form that is deemed objectionable and not to the entire completed Form. A party does not waive the right to challenge the accuracy of the other party's completed Form by failing to object to the admissibility of the completed Form.
- D. Supporting Documents. For the purpose of providing a full and complete verification of assets, liabilities and values, at the time of the initial exchange, each party shall attach to the Form the supporting information that is reasonably available. This shall include recent bills, wage and tax records, credit card statements, and blank pension and year-end mortgage statements. "Reasonably available" means material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed, or is in the possession of the other party. Appraisals of real estate and pensions, or of personal property such as jewelry, antiques or special collections (i.e. stamps, coins, or guns), are not required. However, once an appraisal is obtained, it must be exchanged
- E. Financial Declaration – Mandatory Discovery. Once requested by notice to the court by either party, or by an order of the court, the exchange of forms constitutes mandatory discovery; thus, Indiana Trial Rule 37 sanctions apply. Additionally, pursuant to Indiana Trial Rule 26(E) (2) and (3), the form must be supplemented if additional material becomes available.
- F. Confidentiality of Financial Declaration. Financial Declaration Forms may be withdrawn by the parties at the conclusion of the case with the agreement of all parties and the approval of the judge presiding in the case. Financial Declaration forms and any supporting documents shall be maintained as confidential documents pursuant to Administrative Rule 9 (G), and shall be submitted on light green paper.

## ***LR53-FL00-0411 TEMPORARY RESTRAINING ORDERS***

Temporary restraining orders will be issued only in strict compliance with Trial Rule 65 (B).

## ***LR53-FL00-0412 CONTEMPT ACTIONS***

All petitions for contempt shall state the date of each order and the specific provisions thereof that are violated. The petition for contempt must be verified, state whether incarceration is a requested remedy and must be in compliance with IC 34-47-3-5.

### ***LR53-FL00-0413 ATTORNEY FEES***

Attorney fees may be awarded based on evidence presented by way of Affidavit (or oral testimony if the Court shall allow) at the final or other hearing.

### ***LR53-FL00-0414 ORDER FOR LAW ENFORCEMENT ASSISTANCE***

An order directing the Bloomington Police Department, Monroe County Sheriff's Office, or other appropriate law enforcement agency, to accompany a party to his or her residence to obtain possession of property should read substantially as follows:

The \_\_\_\_\_ (name of agency) is hereby ordered to assist  
\_\_\_\_\_ (name) in taking possession of his/her personal  
property specified above at \_\_\_\_\_ (address) as soon  
as possible.

### ***LR53-FL00-0415 WITHDRAWAL OF COUNSEL***

Upon conclusion of a matter, the appearance of an attorney may be withdrawn by motion of that attorney. Such Motion to Withdraw must comport with TR 3.1(E). There is no automatic withdrawal of representation in Family Law matters.

### ***LR53-FL00-0416 COLLABORATIVE LAW***

If the parties are both represented by attorneys trained in Collaborative Law, and have signed retainer agreements with those attorneys to participate in a Collaborative Law family law matter, they may file a Joint Petition for Dissolution, and may file a stipulation asking among other things that the case not be set for conference or hearing. If either party violates the agreement to proceed in the Collaborative Law process, the court may allow withdrawal of representation of both attorneys if so requested.

**APPENDIX A**

**STATE OF INDIANA  
MONROE CIRCUIT COURT**  
301 North College Avenue, PO Box 547  
Bloomington, Indiana 47402  
(812) 349-2601

IN RE THE MARRIAGE OF

CASE NO. 53C0\_\_\_\_DR\_\_\_\_\_

\_\_\_\_\_,  
Petitioner

and

\_\_\_\_\_,  
Respondent

**SUMMONS**

**Dissolution of Marriage or Legal Separation**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Petitioner has filed an action to dissolve your marriage or for legal separation. The issues raised in this action are stated in the petition which is attached to this summons. The petition also states the relief sought by the Petitioner.

You may file a counter petition if you wish to raise any issues not raised in the petition.

You will be notified by first-class mail of the date and time of the final hearing and any preliminary hearing(s). **If you do not file any response, or appear in court at the scheduled hearings, the issues raised in the petition will be heard and decided by the court in your absence without any further notice to you.** You must inform the court in writing if your mailing address on this Summons is not correct, or if you change your mailing address before a final order is entered in this case.

A final hearing may not be conducted earlier than 60 days after the filing of the petition.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk, Monroe Circuit Court

A copy of the above summons and a copy of the complaint attached thereto were received by me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Signature of Respondent

PRAECIPE: I designate the following mode of service to be used by the clerk:

\_\_\_\_\_ By **Certified or Registered Mail** with return receipt to above address.

\_\_\_\_\_ By **Sheriff** delivering a copy of summons and complaint personally to Respondent or by leaving a copy of the summons and complaint at his/her dwelling house or usual place of abode.

\_\_\_\_\_ By **Personal Service** delivering a copy of summons and complaint personally to Respondent.

\_\_\_\_\_ By **Serving an Agent** as provided by rule, statute, or valid agreement.

Signed: \_\_\_\_\_ Attorney/Petitioner  
Printed: \_\_\_\_\_ Attorney# \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

#### RETURN OF SUMMONS

This Summons came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ and I served the same on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

1. By delivering a copy of summons and complaint personally to \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.
2. By leaving a copy of summons and complaint personally with \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.
3. By mailing by first-class a copy of summons and complaint on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_ to \_\_\_\_\_ respondent's last known address.

4. Respondent cannot be found in my bailiwick and summons was not served.

And I now return this writ this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_ Sheriff  
\_\_\_\_\_ Deputy

**APPENDIX B**

**STATE OF INDIANA  
MONROE CIRCUIT COURT**  
301 North College Avenue, PO Box 547  
Bloomington, Indiana 47402  
(812) 349-2601

IN THE MATTER OF  
THE PATERNITY OF:

CASE NO. 53C0\_\_\_\_JP\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Petitioner

**SUMMONS**  
Paternity Action

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Petitioner has filed a petition to establish paternity. The issues raised in this action for paternity are stated in the petition which is attached to this summons. The petition also states the relief sought by the Petitioner.

You may file a counter petition if you wish to raise any issues not raised in the petition.

You will be notified by first-class mail of the date and time of any hearings. **If you do not appear in court at the scheduled hearings, the issues raised in the petition will be heard and decided by the court in your absence without any further notice to you.** You must inform the court in writing if your mailing address on this Summons is not correct, or if you change your mailing address before a final order is entered in this case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk, Monroe Circuit Court

A copy of the above summons and a copy of the complaint attached thereto were received by me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Signature of Respondent



PRAECIPE: I designate the following mode of service to be used by the clerk:

\_\_\_\_\_ By **Certified or Registered Mail** with return receipt to above address.

\_\_\_\_\_ By **Sheriff** delivering a copy of summons and complaint personally to Respondent or by leaving a copy of the summons and complaint at his/her dwelling house or usual place of abode.

\_\_\_\_\_ By **Personal Service** delivering a copy of summons and complaint personally to Respondent.

\_\_\_\_\_ By **Serving an Agent** as provided by rule, statute, or valid agreement.

Signed: \_\_\_\_\_ Attorney/Petitioner  
Printed: \_\_\_\_\_ Attorney# \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

#### RETURN OF SUMMONS

This Summons came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ and I served the same on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

1. By delivering a copy of summons and complaint personally to \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.
2. By leaving a copy of summons and complaint personally with \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.
3. By mailing by first-class a copy of summons and complaint on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_ to \_\_\_\_\_ respondent's last known address.
4. Respondent cannot be found in my bailiwick and summons was not served.

And I now return this writ this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_ Sheriff  
\_\_\_\_\_ Deputy

## APPENDIX C

Suggested acknowledgment for use under LR53-FL00-0410

[Caption]

### ACKNOWLEDGMENT OF RECEIPT OF INDIANA PARENTING TIME GUIDELINES

The Petitioner and the Respondent acknowledge that they have received a copy of the Indiana Parenting Time Guidelines consisting of 28 typewritten pages as adopted by the Indiana Supreme Court on December 22, 2000 with an effective date of March 31, 2001.

Acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney for Respondent

### ACKNOWLEDGMENT OF USE

The parties further acknowledge that they have made reference to these Parenting Time Guidelines in the entry submitted in this cause and that these Guidelines will be used by the parties for the purpose of parenting time and in the resolution of any disputes on parenting time issues until further order of the Court.

Acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney for Respondent

**APPENDIX D**

STATE OF INDIANA       )  
                                  )SS:  
COUNTY OF MONROE    )

IN THE MONROE CIRCUIT COURT

CAUSE NO. 53C0\_\_\_\_\_

IN RE THE MARRIAGE/PATERNITY  
SUPPORT OF

\_\_\_\_\_

and

\_\_\_\_\_

**CHILD SUPPORT ARREARAGE CALCULATION**

Weekly child support amount \_\_\_\_\_

Date of child support order \_\_\_\_\_

Prior findings of arrearage and date of finding \_\_\_\_\_

Support owed [number of weeks X weekly amount] \_\_\_\_\_

LESS

Support paid through the Clerk's Office \_\_\_\_\_

Support paid directly \_\_\_\_\_

TOTAL ARREARAGE \_\_\_\_\_

DATE \_\_\_\_\_

I affirm under the penalties for perjury that the foregoing information is true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## **APPENDIX E**

### **MONROE CIRCUIT COURT FAMILY LAW RULES FINANCIAL DECLARATION FORM**

ALL PARTIES, INCLUDING PARTIES NOT REPRESENTED BY COUNSEL, ARE REQUIRED TO COMPLY WITH THE FAMILY LAW RULES AND TO COMPLETE AND EXCHANGE THIS FORM.

THIS DECLARATION IS MANDATORY DISCOVERY AND MUST BE COMPLETED AND PROVIDED TO THE OTHER PARTY WITHIN THE TIME PRESCRIBED BY MONROE COUNTY FAMILY LAW RULE LR53-FL00-0410.

FAILURE BY A PARTY TO COMPLETE, EXCHANGE, AND FILE THIS FORM AS REQUIRED MAY RESULT IN THE IMPOSITION OF COSTS, ATTORNEY FEES, AND OTHER SANCTIONS DETERMINED BY THE COURT.

A “LIVE” VERSION OF THE FINANCIAL DECLARATION FORM IS AVAILABLE AT:  
[www.co.monroe.in.us](http://www.co.monroe.in.us) Choose the Justice tab, Circuit Court, and on the left, select “Local Rules.” [A password is not required- click the “read only” box.](#)

## APPENDIX F

### INCOME WITHHOLDING FOR SUPPORT

- ☐ ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)  
☐ AMENDED IWO  
☐ ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT  
☐ TERMINATION of IWO

Date: \_\_\_\_\_

☐ Child Support Enforcement (CSE) Agency   ☐ Court   ☐ Attorney   ☐ Private  
Individual/Entity (Check One)

**NOTE:** This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions <http://www.acf.hhs.gov/programs/cse/newhire/employer/publication/publication.htm#forms>). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory \_\_\_\_\_ Remittance Identifier (include w/payment) \_\_\_\_\_  
City/County/Dist./Tribe \_\_\_\_\_ Order Identifier \_\_\_\_\_  
Private Individual/Entity \_\_\_\_\_ CSE Agency Case Identifier \_\_\_\_\_

_____ Employer/Income Withholder's Name (Last, First, Middle)		RE: _____
_____ Employer/Income Withholder's Address		Employee/Obligor's Name (Last, First, Middle) _____ Employee/Obligor's Social Security Number _____ Custodial Party/Obligee's Name (Last, First, Middle) _____
_____ Employer/Income Withholder's FEIN		
Child(ren)'s Name(s) (Last, First, Middle) _____ _____ _____ _____ _____	Child(ren)'s Birth Date(s) _____ _____ _____ _____ _____	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>
_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	
_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	
_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	
_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	

**ORDER INFORMATION:** This document is based on the support or withholding order from (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ _____	Per _____	current child support
\$ _____	Per _____	past-due child support - <b>Arrears greater than 12 weeks?</b> <input type="checkbox"/> Yes
<input type="checkbox"/> No		
\$ _____	Per _____	current cash medical support
\$ _____	Per _____	past-due cash medical support
\$ _____	Per _____	current spousal support

\$ \_\_\_\_\_ Per \_\_\_\_\_ past-due spousal support  
\$ \_\_\_\_\_ Per \_\_\_\_\_ other (must specify) \_\_\_\_\_  
for a **Total Amount to Withhold** of \$ \_\_\_\_\_ per \_\_\_\_\_.

**AMOUNTS TO WITHHOLD:** You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ \_\_\_\_\_ per weekly pay period

\$ \_\_\_\_\_ per semimonthly pay period (twice a month)

\$ \_\_\_\_\_ per biweekly pay period (every two weeks) \_\_\_\_\_

\$ \_\_\_\_\_ per monthly pay period

\$ \_\_\_\_\_ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

**REMITTANCE INFORMATION:** If the employee/obligor's principal place of employment is (State/Tribe), you must begin withholding no later than the first pay period that occurs \_\_\_\_\_ days after the date of \_\_\_\_\_. Send payment within \_\_\_\_\_ working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to \_\_\_\_\_ % of disposable income for all orders. If the employee/obligor's principal place of employment is not \_\_\_\_\_ (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at <http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact> for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see <http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact>

Include the **Remittance Identifier with the payment** and if necessary this FIPS code: \_\_\_\_\_.

**Remit payment to** \_\_\_\_\_ (SDU/Tribal Order Payee)  
**at** \_\_\_\_\_ (SDU/Tribal Payee Address)

☐ **Return to Sender [Completed by Employer/Income Withholder].** Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): _____
Print Name of Judge/Issuing Official: _____
Title of Judge/Issuing Official: _____
Date of Signature: _____

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

☐ If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

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### ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at:

[http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact\\_map.htm](http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm)

**Priority:** Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

**Combining Payments:** When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

**Payments To SDU:** You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

**Reporting the Pay Date:** You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

**Multiple IWOs:** If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

**Lump Sum Payments:** You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

**Liability:** If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure.

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**Anti-discrimination:** You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

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**Withholding Limits:** You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE INFORMATION*). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and

Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

**Arrears greater than 12 weeks?** If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

**Additional Information:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS:** If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

- ☐ This person has never worked for this employer nor received periodic income.
- ☐ This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: \_\_\_\_\_ Last known phone number: \_\_\_\_\_

Last known address: \_\_\_\_\_  
\_\_\_\_\_

Final payment date to SDU/ Tribal Payee: \_\_\_\_\_ Final payment amount: \_\_\_\_\_

New employer's name: \_\_\_\_\_

New employer's address: \_\_\_\_\_  
\_\_\_\_\_

#### **CONTACT INFORMATION:**

**To Employer/Income Withholder:** If you have any questions, contact \_\_\_\_\_ (Issuer name) by phone at \_\_\_\_\_, by fax at \_\_\_\_\_, by email or website at: \_\_\_\_\_.



Send termination/income status notice and other correspondence to: \_\_\_\_\_  
\_\_\_\_\_(Issuer address).

**To Employee/Obligor:** If the employee/obligor has questions, contact \_\_\_\_\_ (Issuer name)  
by phone at \_\_\_\_\_, by fax at \_\_\_\_\_, by email or website at \_\_\_\_\_.

## **JURY MANAGEMENT RULES**

### ***LR53-JR00-0500 JURY MANAGEMENT***

- A. The Judge or Court Reporter in each division will inform the Jury Coordinator of the status of scheduled jury trials.
- B. The Jury Coordinator will use the jury message line on a daily basis to indicate to jurors the status of trials. Jurors are instructed to call the jury message line after 7 pm during their scheduled weeks of service.
- C. If a jury is canceled after work hours (including a weekend or holiday), the Judge or Court Reporter will call the Office of Court Services staff at home in order to change the jury message line.
- D. Meals for jurors will be provided on the last day of trial immediately prior to or during deliberations.
- E. Miscellaneous civil files will be opened for individuals who fail to comply with jury service.
- F. The Office of Court Services staff will provide the Judge with the names and addresses of those individuals who fail to comply. A 15 minute rule to show cause hearing will be set. The Office of Court Services staff will prepare the rule to show cause order and file it in the Clerk's Office with a judge's cause number which will be recorded in the Miscellaneous Civil Book. The caseload will not be affected.

## **FAMILY COURT RULES**

### ***LR53-FC00-0600 DEFINITIONS***

- A. Family Court. “Family Court” is the court, or courts, before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be given a common family court designation. The individual cases may all be transferred to one judge, or may remain in the separate courts in which they were originally filed.
- B. Family Court Proceeding. A “Family Court Proceeding” is comprised of the individual cases of the family or household which have been assigned to Family Court.

### ***LR53-FC00-0601 EXERCISE OF JURISDICTION***

The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child in Need of Services, Delinquency, Status, and Paternity) involving the family.

### ***LR53-FC00-0603 DESIGNATION OF FAMILY COURT CASE AND CHANGE OF JUDGE***

- A. Once notice is sent to the parties that a case has been selected for Family Court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.
- B. Within 10 days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.
- C. A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceeding after the initial selection of cases, shall be granted only for cause.
- D. If a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

### ***LR53-FC00-0604 JUDICIAL NOTICE AND ACCESS TO RECORDS***

- A. Notice of Case Assignment. Within a reasonable time after a case is assigned to Family Court, the court shall provide to all parties in the Family Court proceeding a list of all cases that have been assigned to that Family Court proceeding.

- B. Judicial Notice. Any court having jurisdiction over a case assigned to Family Court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court.
1. If a court takes judicial notice of:
    - a. A court order, the court shall provide a copy of that court order; or
    - b. A CCS or CCS entry(s), the court shall provide a copy of the entire CCS.
  2. The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.
- C. Access to Records. Parties to a Family Court proceeding shall have access to all cases within the Family Court proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the Family Court proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.

## SMALL CLAIMS PROCEDURES

### ***LR53-SC00-0700 SCOPE***

- A. Scope. These rules shall govern the procedure and practice of the Small Claims Division, Monroe Circuit Court.
- B. Citation. These rules may be cited as LR53-SC00-07 \*\*-

### ***LR53-SC00-0701 COMMUNICATIONS WITH THE COURT***

- A. Written Communications. Any matter communicated to the court, outside of the courtroom, must be in writing and signed by the communicating party.
- B. Case Identification and Duty to Serve. The communication shall contain the cause number of the case. The person filing the communication shall certify in writing that he or she has sent a copy of the communication to all parties.

### ***LR53-SC00-0702 SCHEDULING***

- A. Initial Hearing. Upon the filing of a complaint, an initial hearing shall be scheduled by the Clerk of the court. Parties are not expected to be fully prepared for trial at the initial hearing, but must be prepared to present a prima facie case through direct testimony or affidavit in the event an opposing party fails to appear, in accordance with Indiana Small Claims Rule 10(b). The failure to appear at an initial hearing shall result in a judgment being entered upon the presentation of a prima facie case by the claimant present. If the plaintiff fails to appear at the time and place specified for the trial, or for any continuance thereof, the court may dismiss the action without prejudice.
- B. Contested Hearing. If both parties appear at the initial hearing, the judge shall encourage the parties to resolve their dispute. If the parties are unable to achieve a resolution, they shall inform the judge of the need to schedule a trial and indicate the amount of time needed to present their respective cases.
- C. Waiver of Initial Hearing. If the parties know prior to the initial hearing that the matter will be contested, a motion may be filed to vacate the initial hearing and schedule a contested hearing. The motion shall estimate the time needed to present the petitioner's case-in-chief and the time needed to present the case in opposition if that can be reasonably ascertained.

### ***LR53-SC00-0703 CONTINUANCES***

- A. Written Motion Required. Continuances may be granted only upon good cause shown in a written motion signed by the moving party. A copy of motion must be mailed or delivered to the opposing party by the party requesting the continuance.
- B. Advance Notice. A continuance will not be granted within 72 hours of the trial unless the opposing party agrees to the continuance or the judge determines a continuance is necessary

### ***LR53-SC00-0704 DISCOVERY***

- A. Prior Informal Discovery Required. The parties must pursue informal discovery prior to petitioning the court for an order compelling discovery.
- B. Relevant Formal Discovery. Upon a showing that informal discovery has failed and that the discovery requested is relevant and not unduly burdensome, the court may grant an order compelling discovery.

### ***LR53-SC00-0705 DISMISSAL OF ACTIONS***

- A. Motion Required. A claim, counterclaim or cross-claim may be dismissed by filing a written pleading at any time before judgment.
- B. Dismissals. If a counterclaim or cross-claim has been filed, the dismissal of the original claim will not result in the cancellation of the hearing unless the counterclaim or cross-claim has been dismissed.

### ***LR53-SC00-0706 PROCEEDINGS SUPPLEMENTAL/WRITS OF ATTACHMENT***

Updated 01/02/2014

- A. Timing. A prevailing party may file a motion for proceedings supplemental after entry of the judgment in the Clerk's Record of Judgments and Orders. The judgment creditor must be present to enforce a monetary judgment.
- B. Change of Circumstances. After a determination by the court that there is no income or property which may be applied to the judgment, the case will be redocketed for proceeding supplemental only if the judgment creditor can show that income or property has been discovered which may be applied to the judgment.
- C. Service of Process.
  - 1. The Clerk shall send an order to appear for supplemental proceeding hearing to a judgment defendant by first class mail, postage prepaid, pursuant to Indiana Trial Rules 5 and 69(E).
  - 2. If a judgment defendant fails to appear at the supplemental proceeding hearing, the court may issue a garnishment order.

3. If a judgment defendant fails to appear at the supplemental proceeding hearing, the court shall, upon request of the judgment plaintiff, set the case for a rule to show cause hearing.
4. An order to appear for a rule to show cause hearing shall be served upon a judgment defendant by the Sheriff. If a Sheriff service fee has not been previously paid, the judgment plaintiff shall pay the Sheriff service fee within thirty (30) days.
5. If a judgment defendant fails to appear at a rule to show cause hearing after having been served with an order to appear, the court may issue a writ of attachment.

### ***LR53-SC00-0707 BANKRUPTCY STAY***

Any party seeking a stay of the proceedings as a result of a bankruptcy proceeding shall petition the court, attaching to the petition a copy of the Bankruptcy Cover Petition and the Schedule of Creditors.

## ***LR53-PR00-0801 EFFECT ON OTHER LOCAL RULES***

These Rules apply in estate cases in the Monroe Circuit Court. They are in addition to the Local Rules of Trial Procedure. If there is a conflict between these rules and the Local Rules of Trial Procedure, these rules shall prevail.

## ***LR53-PR00-0802 FILING OF PLEADINGS***

- A. Mail Copies. When pleadings are filed by mail or left with the court for filing by attorneys who do not have distribution boxes in the Office of Court Services, a stamped self-addressed envelope shall be included for return of the pleadings to the party or attorney.
- B. Preparation of Orders. A party filing a motion or petition shall provide the court with an appropriate proposed order at the time of the filing
- C. Initial Petition. The initial petition opening the estate shall be accompanied by a completed Fiduciary Information Form that contains identifying information for the proposed personal representative, or other fiduciary. The Form will be available in the Clerk's office and on the court's website. The court will maintain the Fiduciary Information Form as a confidential court record pursuant to Administrative Rule 9.

## ***LR53-PR00-0803 BOND***

- A. Corporate Surety Bond in Estates. In every estate, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond in such amount as shall be set by the court, except as hereafter provided:
  - 1. Where, under the terms of a will, the testator expresses an intention that the bond be waived, the court shall set a bond in an amount adequate to protect creditors, tax authorities, and devisees. This bond shall be a minimum of Twenty-Five Thousand Dollars (\$25,000.00), unless otherwise ordered.
  - 2. Where the fiduciary is an heir or legatee of the estate, the court may reduce the bond by the amount of the fiduciary's share of the estate.
  - 3. Where the heirs or legatees have filed a written request that the fiduciary serve without bond, the bond may be set in an amount adequate to protect the rights of the creditors and tax authorities only.
  - 4. In an unsupervised estate, bond may be set at the discretion of the Court, and, unless otherwise ordered, shall be in the amount of Twenty-Five Thousand Dollars (\$25,000.00)
  - 5. No bond shall be required in any supervised estate in which a corporate fiduciary, qualified by law to serve as such, is a personal representative.



6. No bond shall ordinarily be required in an estate when the surviving spouse is the personal representative and is also the only heir or legatee, and the estate is solvent.
- B. Transfer in Lieu of Bond. In lieu of a bond as required by Local Probate Rule 3(A), a fiduciary may restrict transfer of all or part of the estate liquid assets by placing those assets in a federally insured financial institution with the following restriction placed on the face of the account or document:  
NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF  
A JUDGE OF THE CIRCUIT COURT OF MONROE COUNTY, INDIANA.
- C. Inclusion of Agency Identification. The name, address, and telephone number of the insurance agency providing the corporate surety shall be typed or printed on all corporate bonds in any estate.

#### ***LR53-PR00-0804 INVENTORY AND DOCUMENTS SHOWING VALUE***

- A. SUPERVISED ESTATES. An inventory shall be filed with the court in a supervised estate. The court will maintain the inventory as a confidential court record pursuant to Administrative Rule 9.
- B. UNSUPERVISED ESTATES The court may require an inventory to be filed in unsupervised estates as a condition of continuing that status. If an inventory is filed with the court, it shall be maintained by the court as a confidential court record pursuant to Administrative Rule 9.

#### ***LR53-PR00-0805 REAL ESTATE***

- A. Filing of Appraisal. Any real estate appraisal filed with the court shall be maintained by the court as a confidential court record pursuant to Administrative Rule 9
- B. Time of Appraisal. All appraisals shall be made within one year of the date of the filing of the petition for sale of the real estate.
- C. Deeds. Deeds submitted to the court for approval in estate proceedings shall be signed by the fiduciary before a notary public prior to its submission.
- D. Recording of Final Decree. Whenever a final decree reflects vesting of real estate in heirs or beneficiaries, the decree shall be recorded with the Recorder of the county where the real estate is located, and evidence of such recording shall be provided to the court with the supplemental report.

#### ***LR53-PR00-0806 SALE OF PROPERTY***

- A. Appraisal of Personal Property. In all supervised estates, no petition for sale of personal property shall be granted unless a written appraisal, prepared by a person competent to appraise such property and setting forth the fair market value of the property to be sold is filed with the court, either at the time of filing of the petition to sell or at the time the inventory is filed. This rule shall not apply if the property is sold at a public auction by written approval of the court. Upon request,

the written appraisal shall be maintained by the court as a confidential court record pursuant to Administrative Rule 9.

- B. Time of Appraisal. All appraisals shall be made within one year preceding the date of the petition to sell personal property.
- C. Sale of Property at Market Value. No written appraisal shall be required for the sale of property traded in an open market when the value of that property is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, precious metals and motor vehicles.
- D. Unsupervised Administration. The court will not authorize or approve the sale of property in an unsupervised estate.

### ***LR53-PR00-0807 CLAIMS***

- A. Examination of Claim Docket. Three months and fifteen days after the date of the first published notice to creditors, the fiduciary or the fiduciary's attorney, shall examine the Claim Docket and shall allow or disallow each claim filed against the estate, and file a notice with the court stating the action taken.

### ***LR53-PR00-0808 ACCOUNTINGS***

- A. Intermediate Accounting. Whenever supervised estate cannot be closed within one year, an intermediate account shall be filed with the court within thirty days after the expiration of one year and each succeeding year thereafter. Such accounting shall comply with the provisions of Indiana Code Sections 29-1-16-4 and 29-1-16-6, and
  1. Shall state facts showing to the court the reasons the estate cannot be closed and providing the court with an estimated date of closing;
  2. Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees, claimants, and taxing authorities.
- B. Vouchers and Cancelled Checks. In all supervised estate accountings, vouchers or cancelled checks for the expenditures claimed shall be filed with the accounting. An affidavits in lieu of vouchers or cancelled checks may be accepted from the fiduciary-provided the fiduciary retains the vouchers or cancelled checks on file or by a digital image, and is able to, and will
- C. Expenditure Notation. In all supervised estate accountings, a notation shall be placed by each reported expenditure indicating the check number, date, payee, and reason for, or nature of the expenditure. Missing checks shall be accounted for
- D. Itemized Statement of Assets. All accountings to the court shall contain an itemized statement of all assets on hand.

- E. Payment of Costs and Claims. All court costs shall be paid and all claims satisfied and released before the hearing on the final account, and a Clerk's Certification (attached form at Appendix A) shall be filed with the Court before the final account will be approved.
- F. Tax Closing Letters. The Federal Estate Tax Closing letter and the Indiana Inheritance Tax Closing letter showing payment of all Federal estate and Indiana inheritance tax liability in the estate shall be attached to the final report at the time of filing, unless previously filed.

#### ***LR53-PR00-0809 FEES OF ATTORNEYS AND FIDUCIARY***

- A. Order Approving Fees. No fees for attorneys or fiduciaries shall be paid out of any supervised estate without prior written order of the court. Appropriate proposed orders should be submitted to the court at the time a petition to approve fees is filed. All proposed orders for approval of fees for attorneys or fiduciaries shall provide that such fees are not to be paid until the interim account or the final account has been approved by the court. Fees based on the value of the estate will not ordinarily be approved by the court.
- B. Unsupervised Administration. The court will not decide, authorize or approve the payment of attorney fees or fiduciary fees in an unsupervised estate.

#### ***LR53-PR00-0810 UNSUPERVISED ADMINISTRATION***

- A. Statutory Requirements. A petition for administration without court supervision may be granted if the requirements of Indiana Code 29-1-7.5-2(a)(4) are met, and there is compliance of all other requirements of Indiana Code 29-1-7.5-2(a).
- B. Costs and Claims Paid. All court costs shall be paid and all claims satisfied and released on or before the date of the filing of the closing affidavit, and a Clerk's certification thereof (see Appendix A) shall be filed with the court at the time such closing affidavit is filed with the court evidencing payment of court costs and all claims have been filed.

**APPENDIX A**

STATE OF INDIANA     )  
                                  )  
COUNTY OF MONROE    )

IN THE MONROE CIRCUIT COURT

CAUSE NO. \_\_\_\_\_

IN THE MATTER OF  
THE ESTATE OF

**CLERK’S CERTIFICATE AS TO COSTS/CLAIMS**

\_\_\_\_\_ This is to certify that all costs have been paid in this proceeding through \_\_\_\_\_  
(Date)

In addition, all claims filed in this proceeding have been satisfied and shown  
released. \_\_\_\_\_  
Yes/No

If no, list the claims that remain pending: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Clerk, \_\_\_\_\_ County

***LR53-GU00-0800 GUARDIANSHIPS***

- A. Presence of Incapacitated Person. In all guardianship proceedings seeking to declare an adult incapacitated for any reason, the incapacitated person shall be present at the hearing or there shall be sufficient evidence presented showing that the alleged incapacitated person is unable to appear.
- B. Appointment of Guardian Ad Litem or Attorney. The Court may in its discretion determine that the alleged incapacitated person should have a guardian ad litem or attorney appointed to represent his or her interests, and the hearing for appointment of a guardian for the alleged incapacitated person may be continued by the Court for that purpose.
- C. Physician's Report. In all guardianship proceedings seeking to declare an adult incapacitated, a physician's report by the doctor treating the alleged incapacitated person, or such additional evidence as the Court may require, shall be presented to the Court at the time the petition is filed or on the date of the hearing. No determination will be made without a supporting medical report or testimony at hearing. (See Appendix B.)
- D. Current Reports. Current reports filed by a guardian of the person shall state the present residence of the incapacitated person and a statement of the incapacitated person's current condition and general welfare. If the incapacitated person is an adult, a report of a treating physician shall be filed with the current report verifying that the incapacity of the person remains unchanged since the date the guardianship was established or the date of the last current report.
- E. Biennial reports and bond Premium Payment. The guardian of the incapacitated person shall file current reports biennially or at such other times as ordered by the Court. If a guardian's bond is required, the guardian of the incapacitated person shall submit to the Court proof of payment of current premiums due on said bond. Failure to comply with this section may result in removal of the guardian.
- F. Petition for Guardianship of a Minor. In every petition for the appointment of a guardian of the person of a minor child, the following information shall be contained in the petition:
  - 1. The present address of the child.
  - 2. The places where the child has resided during the past two years, and the names and present addresses of the persons with whom the child has lived during that period. If such information is not available, the petition should state the reason for such unavailability.
  - 3. Whether, to petitioner's knowledge, any other litigation is pending in this state or in any other state concerning the custody of the child.

4. Whether, to petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.
- G. Hearings. Hearing shall be scheduled by the Court on any petition seeking guardianship over an adult alleged to be an incapacitated person. Hearings shall be held on any petition seeking a guardianship over a child unless the guardianship is being established for school purposes only. If the guardianship is being established for school purposes only, the Court may waive the necessity of hearing.
- H. Rules of the Veteran's Administration. Nothing contained in these rules shall amend or supersede the Probate Rules and Regulations promulgated by the Veteran's Administration of the United States, and every guardian appointed by the Court or the attorney for such guardian shall comply with those Rules and Regulations, if applicable

### ***LR53-GU00-0801 EMERGENCY DETENTION PROCEDURE***

- A. In order to hospitalize a person on an emergency detention order, staff of the health care facility shall:
  1. Complete the necessary commitment forms with the signatures of the petitioner and the physician.
  2. During working hours call Circuit Judge, Division VII, to obtain verbal authorization. Fax a judicial endorsement form to the Judge for signature.
  3. After working hours, call the duty judge to obtain verbal authorization. On the signature line of the judicial endorsement for write: *per verbal order, date and time.*
  4. The next business day, fax a judicial endorsement form to the court reporter, Division VII, for judge's signature. The completed form shall be faxed back to the health care facility.
- B. The court reporter, Division VII, shall file the original signed judicial endorsement form in the RJO and a copy of the form in the case file.

**APPENDIX A**

CERTIFICATION BY FINANCIAL INSTITUTION

TO: \_\_\_\_\_

FROM: \_\_\_\_\_  
(Guardian's Name)

RE: Guardianship of \_\_\_\_\_

In order to comply with the rule of the Monroe Circuit Probate Court, I am required to file a certification of Account Balances. Please certify the balances and names on the accounts I have listed below.

DATED: \_\_\_\_\_  
Guardian's Signature

For Bank Use Only:

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the last day of the period covered by this accounting, there was on deposit in this institution to the credit of the Guardian, the following balance:

Name on Account	Account Number	Balance	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name and Address of Institution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Certifying Officer: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**APPENDIX B**

STATE OF INDIANA     )  
                                  )  
COUNTY OF MONROE )

IN THE MONROE CIRCUIT COURT

CAUSE NO. \_\_\_\_\_

IN THE MATTER OF THE  
GUARDIANSHIP OF

\_\_\_\_\_

**PHYSICIAN'S REPORT**

\_\_\_\_\_, a physician licensed to practice medicine in all its branches in the State of Indiana, submits the following report on \_\_\_\_\_, alleged incapacitated person, based on an examination of said person on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

1. Describe the nature and type of the incapacitated person's disability:

\_\_\_\_\_

2. Describe the incapacitated person's mental and physical condition; and, when it is appropriate, describe educational condition, adaptive behavior and social skills:

\_\_\_\_\_

3. State whether, in your opinion, the incapacitated person is totally or only partially incapable of making personal and financial decisions; and, if the latter, the kinds of decisions which the incapacitated person can and cannot make. Include the reason or reasons for this opinion.

\_\_\_\_\_

\_\_\_\_\_

4. What in your opinion is the most appropriate living arrangement for the incapacitated person; and, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reason or reasons for your opinion. \_\_\_\_\_

\_\_\_\_\_

5. Can the incapacitated person appear in court without injury to his/her health? \_\_\_\_\_. If the answer is no, explain the medical reasons for your answer.

\_\_\_\_\_

\_\_\_\_\_

I affirm, under the penalties for perjury, that the foregoing representations are true.

Signature: \_\_\_\_\_

Printed: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_



This report must be signed by a physician. If the description of the incapacitated person's mental, physical and education condition, adaptive behavior or social skills is based on evaluations by the professionals, all professionals preparing evaluations must sign the report. Evaluations on which the report is based must have been performed within three (3) months of the date of the filing of the petition.

Names and signatures of other persons who performed evaluations upon which this report is based:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signature: \_\_\_\_\_  
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